The Solicitors' Journal

Vol. 105 No. 41 [pp. 851–870] OCTOBER 13, 1961 [One shilling and ninepence

OCTOBER 13, 1961

THE

SOLICITORS' JOURNAL

VOLUME 105

NUMBER 41

CURRENT TOPICS

Legal Aid

DURING the Long Vacation, *The Times* published a leading article on legal aid in which two important points were made. First, the system in criminal cases is all or nothing: there is no provision for the applicant to make a contribution, although in some cases it is manifestly unfair that the public should bear the whole burden. The speed with which it is necessary for legal aid to be granted makes the civil procedure of assessment inappropriate and probably it is inevitable that the criminal procedure should be more rough and ready than the civil. Nevertheless magistrates, on whom the main burden falls, have enough information to judge in general terms whether the accused person is able to afford some contribution, and there is much to be said for giving them the power to require a contribution as a condition of granting a certificate, provided that the applicant has a right of appeal at his leisure, whereby his means may be exactly assessed according to the civil scales by the National Assistance Board. We do not suppose that such a rule would always work to the detriment of accused persons: magistrates may sometimes refuse a certificate on the ground that an applicant has some means but do not realise how much his defence is going to cost. If they had a discretion to order him to pay a maximum contribution (subject to appeal) they might be more ready to grant a certificate. The second point made in *The Times* was the familiar one of the successful unassisted litigant. A period of squeeze is clearly not the best in which to propose spending public money and it would be unrealistic to suppose that without inquiry and experiment any Chancellor, even when we are having it good, would commit himself to paying the costs of successful unassisted parties in all cases. There is no reason why The Law Society should not be given power, with the consent of the Treasury, to pay costs where there is hardship as well as injustice. An insurance company which successfully defends proceedings (if we may use a legally inexact but substantially correct expression) suffers injustice but not hardship by being able to recover no costs or costs only on a strictly limited scale. A private individual is in a different plight and may suffer hardship as well as injustice. This is one of those cases where it is legitimate to draw a distinction between principle and expediency.

Fresh Evidence on Appeal

ODDLY two cases, one civil and one criminal, on the admissibility of fresh evidence on appeal were reported adjacently in *The Times* of 5th October, respectively *Crook* v. *Derbyshire* (C.A.) and *R.* v. *Parks* (C.C.A.) (see pp. 866 and 868, *post*).

CONTENTS

The conditions restricting admissibility are stringent and essentially the same for both civil and criminal appeals, namely the evidence must (*a*) not have been obtainable by reasonable diligence for the trial, and (*b*) materially affect liability. A number of unsuccessful cases illustrate that the diligence expected in (*a*) is often that of the imaginative solicitor. However, in both the cases mentioned the fresh evidence was admitted. In point in *Crook* v. *Derbyshire* was whether certain repairs to a handrail had been done before or after the accident giving rise to the appellant's claim for personal injuries. It was sought on appeal to call the repairer. Though this is clearly within condition (*b*), prima facie condition (*a*) might be thought not satisfied. Nonetheless, since three independent witnesses as to the condition of the handrail had been found, it was held reasonable for the plaintiff's solicitors to think her case established and make no further inquiries. In *R.* v. *Parks* the fresh evidence sought to be adduced on appeal against conviction of indecent assault was, first, that the complainant had eight convictions, and secondly, that a dark-haired, middle-aged man had been seen running away (the appellant being younger and ginger). Here condition (*a*) was taken as satisfied and since the conviction rested largely on the complainant's identification of the appellant it was held that the conjunction of the fresh evidence might have caused the jury reasonable doubt. The consequences were that in *Crook* v. *Derbyshire*, by agreement, a new trial was ordered, whilst in *R.* v. *Parks* the conviction was necessarily quashed. Neither of these consequences is in general entirely satisfactory. On the one hand, for civil actions the new trial procedure by way of a third hearing is slow and expensive. On the other hand, the double jeopardy principle which refuses the Court of Criminal Appeal power to order a new trial, so allowing a number of criminals to escape, has little merit here. The new trial would be part of the same proceedings, resembling, e.g., the position where a jury disagreed. We suggest that the whole question of the admissibility of fresh evidence and the consequences in civil and criminal appeals needs rethinking.

The Broad View

In *R.* v. *Croker* last week (*The Times*, 6th October) the Court of Criminal Appeal allowed an appeal against a fine of £3,000 with the alternative of twelve months' imprisonment, passed on a man found guilty of larceny as a bailee of a Cadillac car, at West Kent Quarter Sessions last April. In the judgment of the appeal court the fine was wrong in principle and wholly unrealistic. The appellant had been in trouble with the law some years ago but from 1951 to 1959 he had been doing well in a business he built up of selling motor cars. The trade recession then affected his business and owing to his financial difficulties the appellant sold the car without the consent of the hire-purchase company from which he was buying it. He had lost all his assets, his house and business, and now lived with his wife and child in a small flat with furniture supplied by friends. He was trying to re-establish himself and was earning some £1,500 a year as a sales representative. The court found it entirely wrong for an endeavour to be made to keep the appellant out of prison by imposing a fine he could not possibly pay. He would be bound over for three years to be of good behaviour and was ordered to pay £150 towards the costs of the prosecution. The broad view thus taken appeared in a somewhat different guise in a statement by the Lord Chief Justice (published as a practice note on p. 868 of this issue) giving a reminder that the Court of Criminal Appeal has power to increase sentences upon appeal as well as to cut them. He intimated that in appropriate cases the court would not hesitate to use this power. This statement may have the effect of reducing the number of cases without merit brought before the court.

Conflict of Laws

That branch of English law known as Conflict of Laws, although in its infancy, is rapidly developing. Accordingly it is particularly important that guiding principles be laid down and followed by the courts. Unfortunately, this does not always happen, as was apparently illustrated by the Court of Appeal in *Re Langley's Settlement Trusts*, which we report this week at p. 866, upholding Buckley, J., at first instance ([1961] 1 W.L.R. 41; p. 39, *ante*). Briefly, a settlor, who under the settlement had power to withdraw part of the trust fund, had been decreed an "incompetent" by the courts of his domicile, which had also appointed his wife as guardian and authorised her to exercise all his powers under the settlement. Subsequently, a notice of withdrawal had been executed by both the settlor and his wife as his guardian. In the case, the validity of this notice was questioned but upheld. Buckley, J.'s judgment complied with basic principle in an exemplary fashion, by stating first the distinction between a status and its incidents and then that the courts will recognise a status conferred by a person's *lex domicilii* but will not necessarily recognise its incidents. Thus, although he would recognise the status of "incompetent," he classified the incident of inability to execute a withdrawal notice as "penal," since the settlor's incapacity was physical not mental, following here the French "prodigal" cases (*Worms* v. *De Valdor* (1880), 49 L.J. Ch. 261, and *Re Selot* [1902] 1 Ch. 488). In contrast the Court of Appeal was apparently not exemplary at all, deciding simply not to "recognise the foreign status of incompetence" (per Donovan, L.J.) and assuming in the alternative that recognition of the status would necessarily involve recognition of all its incidents, i.e., including the authority of the wife. The result was certainly satisfactory, and before taking the Court of Appeal to task for its reasons a fuller report must be seen. In the meantime we make only two comments: First, principle surely demanded the recognition of the status of "incompetent" accorded by Buckley, J. Secondly, refusal to recognise "penal" incidents has hitherto been confined to their operation in this country, whilst here the act—execution of the notice—took place abroad. In other words, we tentatively opine that both the settlor's inability and his wife's ability should have been recognised—after all, the incidents abroad of the status of "slave" have been stomached (*Santos* v. *Illidge* (1860), 8 C.B. (N.S.) 861).

Anti-Burglary Precautions

A report on crime in Birmingham made by a group of Birmingham Conservative M.P.s includes a recommendation that, where valuable goods are concerned, compensation should not be paid to a burglary policy-holder who has not taken appropriate precautions against loss. The report has been made to the Home Secretary. This particular matter, however, would seem more properly to concern insurance companies, which may, and from time to time do, stipulate what preventive action their assured must take if insurance cover is to be continued.

DIMINISHED RESPONSIBILITY AGAIN

THE administration of the Homicide Act, 1957, has not run a smooth course; and now, in the fifth year of its existence, this measure continues to cause trouble, the latest casualty treated by the Court of Criminal Appeal being *R.* v. *Terry* [1961] 2 W.L.R. 961; p. 445, *ante*.

Terry appealed against his conviction of capital murder on the ground, *inter alia*, that the judge failed adequately or at all to direct the jury upon the medical evidence or to analyse or explain to them its worth and effect. Very briefly, the relevant facts were that the appellant and two other youths carefully arranged to raid a bank and, in the course of carrying out their plan, the appellant fatally shot a bank guard, robbed a cashier of a bag containing over £1,000 in cash, and escaped with it. One of the two defences put forward at the trial—the only one which concerns us here—was diminished responsibility, and this was supported by two eminent psychiatrists with whom the young appellant had many interviews. According to the long story he told them, for years he had not felt at all normal. He felt doomed at thirteen, and two years later he had a feeling of being possessed. He could not think why he wanted to be a great gangster. During the material time—that is, from the day preceding the date of the crime to the day of his arrest—except for five minutes at a cinema, he felt that he was possessed by the spirit of the well-known American gangster, the late Jack "Legs" Diamond, whose commands he had to obey even if he knew that what he was required to do was wrong. He had that feeling for a number of years. There was also a family history of epilepsy and information of the appellant's having taken drugs for a period of about five months.

Unstable personality

These experts were of the opinion that the epileptic background would make the appellant an unstable personality, one liable to be addicted to drugs and one in whom schizophrenia would more easily develop. He was suffering from abnormality of mind consisting of the delusion that he was possessed by another person; and, apart from delusion, there was no abnormality of mind—he was, in fact, living in a dream world. That was induced by schizophrenia aggravated by drugs, and the appellant's ability to control his acts was substantially impaired thereby. One of the defence psychiatrists added that but for the drugs the killing would not have taken place. On the other hand, two medical witnesses for the Crown were emphatic that the appellant had throughout been shamming, putting on a story for the benefit of the psychiatrists.

In the course of his summing-up, the learned judge merely read, without explanation to the jury, s. 2 of the Homicide Act, and made no attempt at reviewing the medical evidence, saying: "Members of the jury, I am not going to attempt to analyse these three volumes of medical evidence; I am going to hand to you the transcripts of the shorthand note and you can study them at your leisure." These volumes were the only copy available; they consisted of one hundred pages of transcript, marked by the judge in red pencil and many of them turned down. In fact, at the end of the summing-up his lordship handed them to the jury and told them that they could "study the whole thing and analyse it." The Court of Criminal Appeal stigmatised this practice as objectionable and emphatically disapproved of it. (Even in *Spriggs*' case [1958] 1 Q.B. 270, it will be recalled, the judge went through the medical evidence in meticulous detail and gave the jury a copy of s. 2 of the Homicide Act.) However, after the jury had retired, they were recalled by the judge, who referred them to various passages dealing with diminished responsibility in *Rose* v. *R.* [1961] 2 W.L.R. 506; p. 253, *ante*) and *R.* v. *Byrne* [1960] 3 W.L.R. 440.

A genuine story?

Had the matter stood there, that would not have been held to be an adequate direction; but in this particular case, at the end of the eight-day trial, the real question for the jury to determine was: Was Terry fooling his psychiatrists or was his story a genuine one? If it was a genuine story he must be suffering from diminished responsibility. On the other hand, as the presiding judge put it, "If you come to the conclusion that this story that he told the psychiatrists of being motivated and activated by the mind of Jack 'Legs' Diamond is false, that it is an act he has been putting on, then, members of the jury, does not the whole defence of abnormality of mind fall to the ground?" In the light of what clearly was the question in the end, it seemed to the court that the summing-up was quite unexceptionable, and they dismissed the appeal.

Now the Homicide Act introduced "diminished responsibility" into the English law of murder—a concept evolved in Scotland during the last century, but entirely new to our jurists—and clothed that concept with terms both technical and non-technical (such as "abnormality of mind," "arrested or retarded development of mind," "substantially to impair," "mental responsibility") which had not been construed or even considered by our courts. They are by no means plain words and it cannot—without explaining them—reasonably be left to the jury to say, in regard to any particular state of mind, whether it comes within the statutory limitations. Clearly, the jury should be directed as to the meaning of these words and as to the approximate extent of mental impairment envisaged by the provision. Indeed, in order to appreciate the measure of the disapproval expressed by the appeal court of the trial judge's action in this case, it is enough to throw a cursory glance at one or two previous murder trials under the Act.

R. v. *Spriggs*

The Homicide Act had hardly been a year on the statute book when the case of *Spriggs*, *supra*, came for review before the Court of Criminal Appeal, on the ground that the trial judge had not given an adequate direction to the jury as to the meaning of "abnormality of mind" or "mental responsibility." On that occasion Lord Goddard, C.J., said that where Parliament had laid down a definition it was not for the judge to redefine it; all he could do in summing-up was to read the section to the jury and to say to them: "That is what Parliament has said amounts to diminished responsibility and justifies a verdict of manslaughter and not a verdict of murder. Those are the tests you have to apply. You are to consider whether he has abnormality of mind—whether arising from a condition of arrested or retarded development of mind or any inherent causes, or induced by disease or injury. If you can find any of those matters in the evidence, then you will find a verdict of manslaughter and not a verdict of murder." This in the face of the century-old McNaghten precedent ((1843), 10 Cl. & F. 200), where the judges concluded their answer to

the third question put to them by the House of Lords with the following words: "... and the usual course, therefore, has been to leave the question to the jury, whether the party accused had a sufficient degree of reason to know that he was doing an act that was wrong; and this course, we think, is correct, *accompanied with such observations and explanations as the circumstances of each particular case may require.*"

R. v. *Walden*

However, eighteen months later came the decision in *R.* v. *Walden* [1959] 1 W.L.R. 1008. There, in an attempt to explain what Parliament had meant by the phrase "such abnormality as substantially impaired his [the accused's] mental responsibility," the learned judge referred to the definition of insanity in *McNaghten's* case and told the jury to find whether the accused was wandering on the border line of insanity, that is, whether his responsibility, if not wholly gone, had been impaired. The irony of that case was that the appeal was based on the ground that the judge misdirected the jury by attempting to define or re-define what Parliament had already defined in s. 2 (1) of the Homicide Act. The Court of Criminal Appeal held that the judge was right in assisting the jury by pointing out to them by way of illustration or explanation the sort of thing they could look for to see if the case came within the section, in terms closely resembling the direction given in a Scottish case—referred to by Lord Goddard, C.J., in *Spriggs'* case, *supra*, as containing the sort of thing to be looked for in such cases by the jury—namely, *H.M. Advocate* v. *Braithwaite* 1945 S.C. (J.) 55.

A year later Lord Parker, C.J., delivered the reserved judgment of the Court of Criminal Appeal in *R.* v. *Byrne* [1960] 3 W.L.R. 440, in which the subsection was analysed, some of its terms were explained, and a clear direction was given how this enactment should be applied. It was held that the trial judge—the same judge who presided at the trial of *Terry*, *supra*—had wrongly construed the subsection and misdirected the jury, and a verdict of manslaughter was accordingly substituted for that of murder.

Finally, barely a fortnight before the hearing of *R.* v. *Terry*, *supra*, the Judicial Committee of the Privy Council gave the advice of the Board in *Rose* v. *R.*, *supra*, in which their lordships quoted certain passages from *R.* v. *Byrne* with approval. Referring to *R.* v. *Walden*, they observed that there was no single formula that could cover a variety of circumstances and might safely be used in every case. Each direction to the jury must be related to the particular circumstances in evidence before them. The respective facts of the several cases reviewed above are immaterial here; the important thing to bear in mind is that it falls within the judge's province to interpret the statute, and he cannot shirk this essentially judicial function and invite the jury to perform it. It can therefore confidently be stated that, to all practical intents and purposes, *Spriggs'* case is dead and buried.

Judge's duty

In conclusion, when the facts are few and simple, it is understandable that the presiding judge should confine himself in his summing-up to a mere recapitulation of the evidence. But where they are elaborate and the evidence involves technical terms used by opposing expert witnesses, it is the judge's duty to present the jury with a digest of the evidence, together with such explanation as would make it readily understood by twelve ordinary men and women. But is not the handing over to the jury, without further ado, of one hundred pages of the transcript of the evidence of four medical witnesses, and expecting them to go through the whole of that mass of conflicting testimony or to select from it the vital passages, expecting too much?

As already stated, the Court of Criminal Appeal thought it was, yet it dismissed the appeal nevertheless. Is the ground of its decision altogether beyond criticism? It is feared that it may have opened the door too wide to simplification. There is a danger that, as a result of it, the real contest between opposing experts will in future be removed from the consideration of the jury, a danger of which it is necessary to sound a warning. It is conceivable that the jury will be invited to bypass that conflict, instead of resolving it, and to concentrate on the apparently simple issue—whether the accused was or was not shamming—as if one can always, if ever, determine it without going into the merits of the respective opinions of the several expert witnesses as to the state of the defendant's mind. By all reasonable means let all concerned, experts, counsel and judges, co-operate to simplify the scientific language and the scientific issues down to the level of ordinary laymen. Yet the real issues must not be sacrificed on the altar of simplification, any more than the true meaning of technical terms. Let us face it: the administration of the law is not an invariably easy process, and the accused's rights demand that all those entrusted with his destiny should overcome—not evade—the difficulties which are sometimes strewn on the road to justice.

JOSEPH YAHUDA.

LAND REGISTRY NOTICE

Further to relieve congestion in H.M. Land Registry, Lincoln's Inn Fields, the registers, filed plans and index maps relating to the county of Oxford are being removed to Tunbridge Wells, Kent, on 1st November next, where as from that date the registration of title work in this area will be done.

The Tunbridge Wells sub-office is already dealing with the work from the county boroughs of Bristol (City), Hastings, Eastbourne and Oxford (City) and the counties of Berkshire, Cornwall, Devon, Dorset, Hampshire, Kent, Somerset, Sussex and Wiltshire, and it would be a great convenience if applications for registration, searches, etc., affecting titles in these areas and in the area mentioned in the above paragraph could be sent there direct.

Personal searches of the registers and index maps may be made at Tunbridge Wells but where it is desired to inspect these records in London they will be made available at Lincoln's Inn Fields at short notice.

The address of the Tunbridge Wells sub-office is: H.M. Land Registry, Tunbridge Wells, Kent. (Telephone No.: Tunbridge Wells 2780/91.)

SOUTH AFRICA: POSITION OF LAWYERS

Since 31st May, 1961, when South Africa became a Republic, the appointment of Senior Advocate (S.A.) has been substituted for that of Queen's Counsel. We understand that no change has so far been made in the position of English solicitors and commissioners for oaths in the Republic, nor in the status of commissioners in England who are entitled to administer oaths for South Africa.

PRACTICAL ESTATE DUTY—II

HUSBAND AND WIFE

To the estate duty lawyer the most important thing about marriage is the surviving spouse exemption, which just shows what an estate duty lawyer is like. The exemption itself is too well-known to need description here, but it may be worth mentioning a few cases in which it turns up in an unfamiliar guise.

1. *Divorce*

It is not always realised that the exemption applies just as much after a divorce as before it. In fact divorce makes no difference except to increase the possibilities of claiming exemption. If a much married woman dies, property settled on her by all her husbands may be exempt from duty on her death if the necessary conditions are fulfilled. In the same way payment of duty on a man's death may exempt settled property passing not only on the death of his widow but also on the death of any number of former wives. Even if the settlement itself is made after the divorce, as may very well happen as a result of a compromise in maintenance proceedings or a court order for security, it appears that the exemption can apply to prevent double estate duty, because the parties are properly described as "the parties to a marriage."

2. *Annuities*

It is the practice of the Estate Duty Office to grant exemption where either the first spouse to die, or the second, was an annuitant. For example if the husband was the annuitant, and duty was paid on a slice of a settled fund on his death, a corresponding slice would be exempt if the whole fund subsequently passed on the death of his widow. The more common case is the other way round: if a husband gives an annuity to his widow by will, and duty on the residuary estate is paid on his death, then there is no claim to duty when the annuity ceases on the death of the widow.

3. *Payment of duty*

It is one of the conditions of exemption that estate duty has been paid since the date of the settlement on the death of one of the parties to a marriage, but somewhat surprisingly this condition is deemed by s. 32 of the Finance Act, 1954, to be fulfilled if the estate of the first to die escaped duty only because it was too small. This means that if the first spouse to die leaves an estate of less than three thousand pounds a similar amount may be franked on the death of the survivor, however wealthy. The condition is also fulfilled if the estate of the first to die was exempt because he was a member of the armed forces on active service.

4. *Gifts* inter vivos

The surviving spouse exemption may apply where the property was settled by way of gift and the first payment of duty was attracted because the settlor died within five years of the settlement. This produces an interesting result now that s. 64 of the Finance Act, 1960, has scaled down the amount of duty payable on gifts where the date of the gift has been survived by two, three or four years. If s. 64 applies and duty is paid on a reduced principal value, it has nevertheless been paid in respect of the settled property within the meaning of the exemption, and if for example the settlor dies in the fifth year after the settlement, a payment at 40 per cent. of the rate otherwise applicable will carry complete exemption on the death of the survivor.

In all the cases we have mentioned it is, of course, essential that the surviving spouse should not at any time since the commencement of the settlement have been competent to dispose of the property for which exemption is claimed.

Disclaimer of rights on intestacy

By s. 45 (2) of the Finance Act, 1940, the extinguishment at the expense of the deceased of a debt or other right is treated as a gift, and duty is payable if the death occurs within five years. Strictly this would apply to a disclaimer by a surviving spouse of rights under an intestacy, but there is an extra-statutory concession by which duty is not claimed on the death of a surviving spouse who has unconditionally disclaimed his or her right to a net sum charged upon the intestate's residuary estate. This is a particularly useful concession when it is remembered that the commonest motive for a disclaimer in these circumstances is the reduction of estate duty on the death of the surviving spouse, which as a result of the concession can be achieved without the necessity to survive the disclaimer by five years. The concession applies to the statutory "legacy" of £5,000 or £20,000 as the case may be; the surrender of the life interest arising under an intestacy would normally be covered by the surviving spouse exemption, because the survivor would not have been competent to dispose of the capital.

Joint tenancies

Estate duty problems connected with joint tenancies arise, in the nature of things, most frequently in the case of husband and wife. Under s. 2 (1) (*c*) of the Finance Act, 1894, duty is charged on the *whole* of property which the deceased has transferred to or vested in himself and another as joint tenants. No credit is given for surviving the transaction by five years, and if matters rested there every matrimonial home purchased by a husband in the joint names would be fully liable to duty on his death whenever it took place. Fortunately this result can be avoided in a proper case by relying on a presumption and a couple of concessions.

The presumption is the familiar presumption of advancement which can be called on to show, in the absence of rebutting evidence, that the husband intended to make his wife a beneficial joint tenant in equity. The first concession is one by which the Estate Duty Office limits the claim for duty to the deceased's own beneficial interest, if it can be proved that for five years preceding the death the other joint tenant has been receiving half the income from the property. This is all very well if the property is producing income, but in the case of the matrimonial home one has to claim the benefit of a further concession which treats the wife's occupation as equivalent to enjoyment of half the income. For these reasons it is unnecessary on the death of a husband to offer duty on more than one-half of the value of the matrimonial home, if it was bought by him in joint names more than five years before his death. (*To be continued*)

PHILIP LAWTON.

Obituary

Mr. WILLIAM FREDERICK BENT BEARDSLEY, solicitor, of Loughborough, president of Leicester Law Society in 1939, died on 21st September, aged 86. He was admitted in 1898.

Mr. JOHN RYDER CAMPBELL CARTER, solicitor, of Sidcup, Kent, died on 4th October, aged 49. He was admitted in 1935.

"The Solicitors' Journal"
Friday, October 13, 1961

THE PUBLIC HEALTH ACT, 1961—II

PART V of the Public Health Act, 1961, deals with the vexed question of exempt trade effluents under the Public Health (Drainage of Trade Premises) Act, 1937, s. 4, and follows upon the report of the Trade Effluents Sub-Committee of the Central Advisory Water Committee, known as the Armer Report. It is part of the clean rivers policy of the Government. Effluents which were being lawfully discharged at any time during the twelve months before 3rd March, 1937, have been exempted from any control. A trader whose effluent is exempt from control can discharge, every day in the year if he wishes, up to the maximum discharge made on a single day in the qualifying year, even though that discharge may have been abnormal. Although the right to discharge remains unimpaired for these "prescriptive" effluents, the trader must now pay such charges to the local authority as the local authority require (s. 55), having regard to the nature and composition and to the volume and rate of discharge of the trade effluent and to any additional expense incurred or likely to be incurred by a sewerage authority in connection with its reception or disposal. A direction requiring payment may not be made more often than every two years. Any profit made by a local authority in extracting by-products from effluent will have to be taken into account. Appeal lies to the Minister, who may make a direction which is more favourable or less so to the appellant, thereby perhaps discouraging appeals. But the Government argued that this provision merely enabled the Minister to adopt a different system of calculating charges. There is no period of time which must elapse between the service by the local authority of a notice requiring payment and the liability to pay arising. Nor is it necessary for the local authority to disclose the basis upon which they calculate their charges.

Furthermore, the local authority may impose conditions, subject to appeal, relating to the temperature, acidity or alkalinity of "prescriptive" trade effluent, and requiring the provision and maintenance of an inspection chamber to enable samples to be readily taken, the provision and maintenance of meters to measure the volume and rate of discharge, and the keeping of records and the making of returns (s. 57). The returns relate to volume and rate of discharge, nature and composition. Information may not be disclosed without the trader's consent. The privilege of exempt discharge cannot continue as a potential demand on the local authority where no trade effluent at all has been discharged for two years; but a minimal one day's discharge will suffice to keep the privilege alive.

The solution adopted represents a compromise between industrialists, who were opposed to a change, and local authorities, who wished to make pre-1937 discharge subject to their consent and conditions and payment in the same way as post-1937 effluent. Certainly it seems reasonable, considering that since 1937 industry has had to apply for consent to put effluent into the local authority's drains and has been paying reasonable charges, that traders who discharge pre-1937 effluents should at least be required to pay for their privilege, for which they still do not require consent.

It was suggested that a local authority would not impose excessive charges lest industry should be discouraged from establishing itself or expanding in that area.

Indeterminable trade effluent agreements

Where the local authority made an agreement regarding effluent before 1937 that agreement is unaffected by the Act, even though any charge agreed was a charge that is now quite unrealistic. The sanctity of contract applies even to local authorities, and this may be burdensome in respect of the indeterminate agreements. The plea for the power to resile in respect of charges was rejected (s. 55 (8)).

"Trade effluent" requiring consent to its discharge is now to cover effluent from farms (agricultural and horticultural premises) and from research establishments (premises used for scientific research or experiment) (s. 63); and the Minister may by order extend the definition to other effluents (s. 64).

Laundries

Detergent froth from laundries has become such a serious problem that local authorities may now apply to the Minister to withdraw the exemption hitherto enjoyed by pre-1937 laundries if he is satisfied that the laundry effluent is likely to overload any sewers, or to make the treatment or disposal of sewage from any sewers specially difficult or expensive, or that there are other exceptional circumstances (s. 65). Then the laundry will have to apply to the local authority for consent to discharge under the 1937 Act, s. 1 (1), with appeal to the Minister if the local authority refuse consent. This is the only case in which the exemption given to pre-1937 effluents may be withdrawn.

Streets and public places

Barriers may be erected in streets to secure public order or public safety or to prevent traffic congestion or on any occasion on which they are likely by reason of some special attraction to be thronged or obstructed, but pedestrians must not be deprived of reasonable access to premises (s. 44). Guard rails may be placed in private streets (s. 43). Action can be taken against such an offending stop-cock as that in *Jacob* v. *London County Council* [1950] A.C. 361, as the local authority may require that any forecourt or any steps or projection or goods placed in a forecourt which are a source of danger, obstruction or inconvenience be fenced or that other remedial measures be taken; and any stall or erection, e.g., vending machine, which appeared on a forecourt after 10th November, 1960, which is by reason of its character injurious to the amenities of the street may have to be altered or moved (s. 46). This section does not extend so as to limit or revoke any planning permission that may have been granted, since the local planning authority must be presumed, in fairness to the applicant, to have duly considered local amenity when granting permission.

Litter

Local authorities may provide and maintain receptacles for refuse and litter (s. 51) but they must make arrangements for the regular and frequent emptying and cleansing of those that are provided to ensure that they do not become a nuisance or give reasonable grounds for complaint. The nuisance of old disused bottles being thrown into fields has not been effectively curbed by the Litter Act, 1958. Nevertheless, the proposal that local authorities should have a duty to place litter bins along roads abutting on agricultural land on the application of the owner of that land was rejected.

Parks and open spaces

A part of a park or pleasure ground, including any pavilion or other building, may be set aside for the exclusive use of a

club for the purpose of cricket, football, tennis, bowls, or any other game or recreation, provided that that part does not exceed one-third of the area of the park or pleasure ground or one-quarter of the total area of the local authority's parks and pleasure grounds (s. 52). The possibility of exclusive use, which could be permanent, was much criticised, it being argued that occasional exclusive use should be sufficient. The local authority must, however, satisfy themselves that they have not unfairly restricted the space available for the public for games and recreation.

A park or pleasure ground or part of it may be closed for up to six consecutive days (Sundays being completely ignored for the purposes of this computation) to allow its use for a show or other special purpose such as a circus, exhibition, flower show, horse show or Eisteddfod, provided that the area closed does not exceed one-quarter of all the parks and pleasure grounds provided by the local authority (s. 53).

The proposal to empower local authorities to set aside parts of parks, open spaces and playing fields for the parking of vehicles ran into such a storm of opposition, including Lord Birkett's "persuasive advocacy," that it was defeated.

Under the Road Traffic Act, 1960, s. 81, local authorities outside London already have power to provide parking spaces for the purpose of relieving or preventing congestion of traffic, and may be authorised by the Minister to purchase land compulsorily for this purpose.

Miscellaneous provisions

The local authority may make byelaws for the purpose of securing the cleanliness of the premises on which a hairdresser's or barber's business is carried on, of the instruments, towels, materials and equipment, and of the hairdressers or barbers, in regard to themselves and their clothing. The local authority's power of enforcement includes a power of entry (s. 77). The proposals for a system of compulsory registration were dropped.

Effluvia which may create a statutory nuisance under the Public Health Act, 1936, s. 92 (1) (*d*), now include "spent or ejected steam," but not from railway engines (s. 72).

Tanks formerly used for storing petrol must be prevented from causing danger, and the local authority, or the harbour authority, where appropriate, have power of entry (s. 73).

A local authority may take any steps for the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation in any built-up area of house doves, pigeons, starlings or sparrows. Seizure and destruction of any birds must be carried out humanely; the section applies only to birds which are believed to have no owner (s. 74).

Regulations may be made relating to the hours, safe and adequate means of ingress and egress, and sanitation and cleanliness of pleasure fairs or roller skating rinks. Pleasure fairs include exhibitions of human beings or performing animals, hoop-las, automatic machines, and so on. Charity shows are not exempt from control, although such control is likely to extend only to matters such as the provision of portable fire extinguishers and public conveniences (s. 75).

For the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore, the local authority or the dock undertaker or the pier authority may make byelaws regulating the speed of pleasure boats, their use and navigation, and requiring the use of effectual silencers (s. 76). "Pleasure boat" is not defined, and anxiety was expressed lest it should cover a fishing boat which was being used in the summer season for trips for holiday makers; presumably any craft being used for pleasure at the material time is a pleasure boat. The byelaws may have effect for 1,000 yards seawards from low-water mark.

Conclusion

This "unexciting" Act had quite a tempestuous passage through the House of Lords. Its significant features are the new building regulations and the trade effluent provisions; and, perhaps, the absence of a section turning our open spaces into car parks. It is undeniably preferable wherever possible to have one general public Act rather than hundreds of private local Acts; and the vigilance that was shown in Parliament to protect the citizen against an autocratic local authority was most heartening.

(*Concluded*) A. S.

"THE SOLICITORS' JOURNAL," 12th OCTOBER, 1861

On 12th October, 1861, The Solicitors' Journal criticised the practice of touting for law business: "We have always refrained as much as possible from any public discussion of this offensive subject, from a belief that such a course was most conducive to the true interests and dignity of the profession. . . In order, however, to prevent the possibility of the practice in question deriving the least encouragement from even the semblance of toleration on our part, we deem it our duty, however unpleasant it may be, to call attention to the following specimen. We have selected it from amongst others forwarded to us, as being equal to any in infamy, and superior in pretension, and calculated especially to convey a downright insult to those members of the profession amongst whom it has been circulated, by supposing them capable of countenancing such a practice . . ." The specimen reads as follows: "Sir,—As a solicitor of 30 years' standing, at—— in Suffolk, and in the metropolis (where I have acted as agent for several country attorneys), my attention has been more exclusively directed of late years, to the law of joint stock companies, bankruptcy and common law. Permit me to hand you the terms upon which I am transacting business for legally qualified country practitioners. My present place of business is most centrally situated, being within an easy distance of the Bank of England, Bankrupt and Insolvent Courts, Somerset House, Doctors Commons and the joint stock companies, chancery and other offices in and near the Temple . . . Apologising for thus troubling you, I am, Sir, most obediently yours . . ."

Honours and Appointments

Mr. J. G. Allan, B.A., B.C.L., is to succeed Sir Frank Alfred Enever, C.B., M.C., LL.D., upon the latter's resigning his appointment as legal adviser and solicitor to the Crown Estate Commissioners, on 31st October, 1961.

Mr. Richard Rieu has been appointed a joint registrar of Brentford, Uxbridge and Watford county courts.

Mr. Frederic Stanley Scott, solicitor, of Keighley, has been appointed to the board of the Keighley and Craven Building Society.

Mr. Abraham Isaac Anton Spevack, solicitor, has succeeded Mr. F. J. F. Stone, solicitor, as president of Surbiton Chamber of Commerce.

"The Solicitors' Journal"
Friday, October 13, 1961

Oversea Influence of English Law

LAND TENURE IN JAMAICA

By MICHAEL BUCKMASTER, Solicitor

AMONG West Indian islands that have been subjected to the British Colonial system, Jamaica presents a diversity of land laws that is unique. For a non-resident observer, inquiry into Jamaican land tenure presented no problems until the "family" laws were encountered, and on this subject neither Land Registry officials nor practising conveyancers in Kingston were very enlightening. For my information on the development of the customary law in Jamaica governing the use and inheritance of "family" land I am indebted to lecturers at the Institute of Social and Economic Research of the University College of the West Indies, and to Dame Edith Clarke's sociological study of rural Jamaican communities, "My Mother Who Fathered Me." Somewhat illogically the imported African traditions and sanctions of the inalienability of land belonging to the "family" have received little formal recognition and until recently were hardly known outside the communities where they have been perpetuated. It was only when pressed upon the subject that the Registrar of Lands admitted that such a system of land holding and inheritance did exist in many rural communities of Jamaica, but he would not go so far as to agree that the relics of Ashanti tradition or the strong influence of maternal upbringing had received any recognition in the courts or at law. In his opinion the customary practices existed not so much in conflict with the common law as at variance with it, and raised social problems that would gradually die in the strangle-hold of technical procedures governing land tenure and registration. But, despite legislation militating against the acceptance and recognition of a body of "adopted" law, it would seem that the process of over-riding customary practices raises problems that go to the root of the accepted pattern of community behaviour, and would upset beliefs well founded in Jamaican peasant tenacity. In rural communities traditions of ancestors cannot be abruptly abandoned without reactions of considerable social disturbance. The strength of these traditions is indicated by the persistent sense of wrong that attaches to the act of alienation of land outside the "family."

In tracing the pattern of unwritten land law and the evolution of the principle of inalienability in Jamaica, one must refer to the common-law basis of land holding at the time of the island's colonisation. From the seventeenth century until the present, variations dictated by local conditions are to be found. The Crown grants by letters patent when the doctrine of seisin was incorporated in Jamaica land law, and the special legislative provisions to protect the rights of absentee proprietors (1 Geo. 2, c. 1, s. 22), are excellent early examples of this principle. The most recent products of economic pressure are the Land Acquisition and Improvement laws and the specialised Beach Controls Acts. These latter are particularly interesting as they provide some answer to the rival claims of the public and the fishing and tourist industries, and are illustrative of the diversity of the twentieth century development of Jamaican land law.

Some history

The system of family laws as practised in many rural communities provides a fascinating commentary on the island's social history. In 1669 and 1676 when Sir Henry Morgan received his two Crown grants (the entries of which can still be seen in the Record Office at Spanish Town), new settlers were consolidating their rights to escheated properties by legislative provisions such as the Letters Patent Law of 1681. Colonists who received grants from the Crown obtained a good common-law title to their land on payment of quit rents. Failure to pay resulted in forfeiture, but as often as not the lands which were forfeited were the unprofitable areas and the backlands such as the impenetrable terrain of the Cockpit country, later the stronghold of the Maroons, the descendants of runaway slaves who put up a long and bitter resistance to the British. Inland from the present North Coast development between the tourist centres of Montego Bay and Ocho Rios, the wild Cockpit country or "land of look behind" provides another anomaly of Jamaican land tenure. The Treaty of 1739, by which the independence of the Maroons was eventually recognised, also secured their lands in the words: "They shall enjoy and possess for themselves and posterity for ever, all the lands situate and lying between Trelawny-Town and the Cockpits to the amount of fifteen hundred acres, bearing north-west from the said Trelawny-Town." Since the Maroons had a strong Ashanti background, and were by the Treaty granted full judicial rights in their own courts, death only excepted, it is not unlikely that they adhered to the principles of family land tenure so far as they were applicable within their own community.

After emancipation

When emancipation followed the years of sugar estates and slave labour, much of the forfeited land was acquired by the negroes who were squatting on it. They were able to perfect their titles against the Crown by providing sixty years continuous occupation or receipt of rents and profits. The axiom of Crown ownership was by no means alien to the emancipated slaves, who saw nothing incongruous in offering allegiance, in the fundamental belief that all land was held by the chief or king and assigned by him to his subjects. In fact the concept that Queen Victoria had assigned the "backlands" to the negroes gained greater currency because the existence of the "supposed" grant was kept hidden from the grantees.

The origins of family land tenure lie in the grant of pieces of land to slaves by plantation owners, though land after-acquired might sometimes become subject to the system. It was customary for a nominal or peppercorn rent to be reserved on the making of the grant, and in the case of productive land the planters denied the usufruct to the grantee, who also remained under an obligation for services. If the land was sugar producing, the cane grown on the grantees' land had to be sent to the estate factory.

Principles of family law

The principles of joint inheritance and inalienability that are the main features of the "family" system spring directly from Ashanti law and custom (see Rattray's "Ashanti Law and Constitution"). In order to see how these principles compare with the common law, it might be useful to summarise the basis of the Jamaican "family" land law:—

(i) Joint inheritance by all children, daughters as freely as sons, legitimate and illegitimate, so that there are

family rights in the broadest sense. Nothing like primogeniture is recognised. It should also be noted that the stability of peasant life is greatly threatened by recognition of the legitimacy principle.

(ii) Joint ownership follows automatically; one member of the family holds in the name of all, acting as trustee. The rights in the lands as a whole are preserved (cf. joint ownership in England).

(iii) The inalienability of family land strengthens the bond of the family and preserves the land from fragmentation in a way contrasting with, but comparable to, the entailed estate. Marked resentment is shown when a member of the family insists on his legal rights in the land.

(iv) Descent is matrilineal, and the clan principle-abusua is preserved by female descent through the blood-mogya, whereas in the male descent the spirit or semen-ntoro becomes lost as soon as it is merged in the female line.

(v) Succession may be through the name, in which case all the children of a man by all unions are included, i.e., rights arising from concubinage are recognised.

(vi) Individual members of a family do not lose their rights by absence or non-exercise, but questions of user and custom may give rise to disputes and litigation. Then the whole system of family land may be questioned and rights enforced in violation of customary practice.

(vii) The theory of family inheritance attaches to all the land granted or inherited, including land acquired after the original grant. Bought land is not subject to restrictions on transmission until the inheritance claims of children have evolved. The land has then attained a degree of family ownership.

(viii) A wife or concubine has no customary rights to land inherited or acquired by a man.

The place of family land ownership in the pattern of Jamaican land tenure is anomalous when viewed against the prosaic background of common-law titles. The ownership of land is becoming increasingly important as a status symbol in rural districts of Jamaica, and the belief that title can be established by the vendor's receipt, stating the price paid and describing the area of land, and a current land tax receipt, cannot survive much longer. Current opinion seems to be in favour of a gradual elimination of the anomalies of land tenure, and a tolerant interpretation of the maxim *Haud ignorantia lex*. The Land Bonds Law is an example of how pressure can be brought upon landowners to safeguard title, since it provides the steps by which the personal representative can prove title within a certain time after the freeholder's death. Not unimportant in the undermining of traditional beliefs and customs is the lack of recognition given by the legal profession. But it must be assumed that conveyancing practitioners are fully aware of the implications of their attitude towards these social problems in the evolution of their island to nationhood and independence.

LEGISLATION FOR TRADE UNIONS—IV

THE Trade Disputes Act, 1906, deals also with the liability of individuals for tortious acts committed in the course of trade disputes. Section 1 relates to the tort of conspiracy, and provides that:—

> "An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

To come within the protection of this section, the acts in question must be lawful in themselves: at common law they would be actionable as a conspiracy only because of the combination of two or more. But the common law itself has given trade union officials comparative freedom from the tort of conspiracy by providing the defence that the predominant motive of the defendants was to advance their own legitimate interests (*Crofter Hand-Woven Harris Tweed Co.* v. *Veitch* [1942] A.C. 435).

In a very recent case, *Rookes* v. *Barnard* [1961] 3 W.L.R. 438; p. 530, *ante*, Sachs, J., held that s. 1 gave only a limited protection to trade union officials. He held that it did not protect defendants who committed the tort of intimidation by threatening to break their own contract of employment unless their employer dismissed the plaintiff, another employee. In other words, the judge held that the defendants were free to pursue a trade dispute only by lawful means, which meant in this case that they should have given appropriate notice to their employer in accordance with their contracts of employment, with a view to going on strike when that notice expired.

Inducement of breach of contract

The 1906 Act also limits the scope of the tort of inducement of breach of contract. By s. 3, an act done by a person in contemplation or furtherance of a trade dispute is not actionable on the ground only that it induces some other person to break a contract of employment or on the ground only that it is an interference with the trade, business or employment of some other person. This section does not give protection to a person guilty of violence, coercion, breach of statutory duty or defamation. The same recent case, *Rookes* v. *Barnard*, concerned the extent of the protection granted by this section. It was held that s. 3 did not protect the defendants because they resorted to an act which was of itself unlawful, namely, an unlawful threat to break their own contract of employment by withdrawing their labour in breach of contract. This is a restrictive interpretation of s. 3, and limits the protection of the 1906 Act to cases where the strikers simply withhold (or threaten to withhold) their labour on the expiry of their contracts, having given proper notice to their employer. Any individual workman is, of course, free to complete his current contract and then to choose to remain idle (*Russell* v. *Amalgamated Society of Carpenters and Joiners* [1912] A.C. 421, at p. 435). The decision in *Rookes* v. *Barnard* has surprised trade union officials, and may lead to agitation on their part for legislation to give them wider exemption from tortious liability.

The House of Lords in *Conway* v. *Wade* [1909] A.C. 506, gave a restricted interpretation to the words "trade dispute" in s. 3 of the 1906 Act. Lord Loreburn, L.C., said (at p. 510):—

> "A mere personal quarrel or a grumbling or an agitation will not suffice. It must be something fairly definite and of real substance."

The power to expel members

The right to expel a member from a trade union must be included in the rules of the union, since there is no right at common law or by statute to expel or suspend a member.

Most unions naturally include a power to expel in their rules, as it is their final sanction for a serious breach of the rules. The courts, in decisions on rules concerning expulsions, have gone some way towards recognising that a man's right to work is at stake, since he will usually be skilled only in the one trade which is *de facto* controlled by his union. Thus, a rule empowering expulsion will be strictly construed by the courts, and any expulsion which is based on a wrong construction of the rule will be declared invalid. In *Lee* v. *Showmen's Guild of Great Britain* [1952] 2 Q.B. 329, one of the union's rules prohibited "unfair competition" between members in regard to sites at fairgrounds, and the Court of Appeal held that the committee's decision to expel the plaintiff for alleged breach of the rule was wrong in law.

Again, the body upon whom the rules confer the power of expulsion or suspension cannot delegate this power to a subordinate body, unless the rules authorise such delegation explicitly or by necessary implication: *Bonsor* v. *Musicians' Union* [1954] 1 Ch. 479; [1956] A.C. 104 (where a branch secretary purported to exclude a member whose subscriptions were in arrears, but the rules, properly construed, conferred this power only on a branch committee). The courts will not interfere with the honest exercise of the executive committee's discretion under the rules (*Dawkins* v. *Antrobus* (1881), 17 Ch. D. 615, at pp. 628, 630; *Weinberger* v. *Inglis* [1919] A.C. 606, at p. 617). Nor will the courts interfere until the member has exhausted any appeal open to him under the rules, unless it is quite clear that any appellate tribunal constituted under the rules is affected by prejudice and bias.

A rule empowering the executive of a trade union to expel or suspend a member may, however, be drafted in very wide terms so as to justify the action of the executive where the member acts in a manner which the executive considers to be to the detriment or contrary to the interests of the union. Such a wide power naturally makes it desirable that the rules should lay down a definite procedure which must be followed before expulsion or suspension is imposed, and that there should be some form of appeal to an independent body. But there is little in the common law at the moment to compel a union to protect an individual member by such rules. The common law knows nothing of appeals from a decision, and the judicial control permitted over the decision of a domestic tribunal, such as the executive of a trade union, is very limited.

The principles of natural justice

A power of expulsion will usually be classified by the courts as "quasi-judicial," so that the union must comply with the so-called rules of natural justice in the exercise of the power. This means that the accused member must be notified of the charges against him, that he must be given a fair hearing and an opportunity of answering the charges, and that the decision must be taken in good faith and without bias. These principles have been developed in connection with all types of administrative and domestic tribunals, and so are not confined to trade unions. They provide some protection to a union member against whom action is taken with a view to his expulsion or suspension. But in modern conditions the power of a trade union to expel a member is as important to the member as the power of the ordinary courts to send him to prison upon conviction for a criminal charge. For a man's livelihood may depend upon his membership of a trade union, and if he is expelled from a union which enjoys complete control of all employment in a skilled trade, he may find himself forced to earn his living as an unskilled labourer in some other trade. In the leading case of *Bonsor* v. *Musicians' Union* [1956] A.C. 104, Mr. Bonsor, after his wrongful expulsion from the union, could find no employment as a musician because of the "closed shop" principle, and he was forced to earn his living by chipping rust from a Brighton pier.

May the principles of natural justice be excluded by the rules?

It is not yet finally decided whether the rules of a domestic body, such as a trade union, may exclude the operation of the principles of natural justice when a member is suspended or expelled. A leading text-book, Citrine on Trade Union Law, 2nd ed., 1960, p. 230, opines that the rules of the union may confer an absolute and arbitrary power to expel in defiance of the principles of natural justice. Citrine cites Maugham, J., in *Maclean* v. *Workers' Union* [1929] 1 Ch. 602, at p. 624:—

> "A person who joins an association governed by rules under which he may be expelled . . . has in my judgment no legal rights of redress if he be expelled according to the rules, however unfair or unjust the rules or the action of the expelling tribunal may be, provided that it acts in good faith."

Other judges, however, have hinted that a rule which was manifestly unfair might be disregarded by the courts on the ground that it was contrary to public policy. (Brett, L.J., in *Dawkins* v. *Antrobus* (1881), 17 Ch. D. 630; Denning, L.J., in *Lee* v. *Showmen's Guild of Great Britain* [1952] 2 Q.B. 329, at pp. 341–2; and in *Bonsor* v. *Musicians' Union* [1954] Ch. 479, at pp. 485, 486.) However, the matter is still uncertain, and there is danger that the judges may allow a domestic body to oust the principles of natural justice from its disciplinary procedure.

If the rigid contractual approach is adopted, it means that the court cannot interfere even where the rules provide that a person who is deciding in his own cause may determine the dispute (*Jackson* v. *Barry Railway Co.* [1893] 1 Ch. 238); it also means that a man may be excluded from the only trade in which he is skilled by a decision taken in accordance with the union rules, even although he had no chance to rebut the allegations against him. The sense of fair play possessed by any democratic man will rebel against this legal position, especially when the idea of contract is so alien to the facts. The rules of any powerful trade union approximate more to legislation than to contract: indeed, it is fanciful to think that a man who wishes to join a trade union has any bargaining power at all if he thinks that a particular rule of the union is oppressive. He "must take it or leave it," since it is not an ordinary contract, but a "contract of adhesion," as continental lawyers term it. The words of P. O. Lawrence, J., in *Burn* v. *National Amalgamated Labourers' Union* [1920] 2 Ch. 364, at p. 374, will be echoed by all fairminded men:—

> "In common fairness a man who is charged with a breach of the rules of the union to which he belongs ought to be heard so as to enable him not only to rebut the charge if it can be rebutted, but also, if it cannot be rebutted, to explain the circumstances under which the breach was committed so as to enable the committee to decide what, if any, penalty should be inflicted. I cannot conceive anything more contrary to our notions of justice than to decide against a member that he has committed a breach of the rules and to penalise that member for such breach without giving him a chance of being heard in his own defence."

Appeals against expulsion from a trade union

If any legislation for trade unions is to be considered in the future, some control over their disciplinary powers ought to be imposed. At the very least, compliance with the principles

of natural justice ought to be made an obligatory duty. But it would be better if legislation went further and provided some procedure for appeals against expulsion from the union, if not against lesser penalties. Parliament is increasingly legislating in regard to domestic bodies which previously were constituted on a contractual basis. A recent instance is the Professions Supplementary to Medicine Act, 1960. This statute (following the precedents of earlier legislation dealing with doctors, dentists, etc.) provides for the registration, training and discipline of members of professions such as chiropodists, dieticians, and medical laboratory technicians. The Act creates disciplinary tribunals which may remove a person's name from the register upon a criminal conviction, or for "infamous conduct in any professional respect"; but the Act gives a right of appeal to the Judicial Committee of the Privy Council against any decision to remove a practitioner's name.

It seems common practice now for Parliament to grant such a right of appeal when it gives disciplinary powers to a board or committee in control of a profession or occupation. When a man's livelihood or "right to work" is at stake, it is obviously fair that an appeal should lie to protect him from arbitrary expulsion from his professional body, and it is submitted that the same is true in the case of expulsion from a trade union. Appeals against the decisions of a trade union executive need not necessarily lie to the ordinary courts, but the reviewing body should be independent and impartial, and someone with legal experience ought to be one of its members.

(Concluded) D. R. HARRIS.

COLLECTIVE RESPONSIBILITY FOR VIOLENCE—II

IN civil cases of claims for personal injury the measure of damages is the loss sustained by the victim, including a liquidated sum for special damages and a sum which the courts must themselves assess for the past pain and suffering and future loss of earnings and amenities. In addition, exemplary damages may be awarded. It would not be practical to assess compensation for crimes of violence on these lines; for example, it would be quite irrelevant in such a claim that the offender had shown malice or recklessness, and if compensation was based entirely on loss of earnings or earning capacity many victims would be excluded from the scheme—for example, housewives and schoolchildren and old age pensioners. It might be difficult to convince the public that awards of different sums for similar injuries were equitable, as would inevitably result if loss of earning capacity were taken into account; future John Gordon columns can be imagined. But such apparent anomalies would be inevitable if the scheme were to work fairly for all victims. One of the advantages of a compensation scheme on the lines of the present industrial injuries benefits would be that compensation for personal injury would be based mainly on loss of faculty.

Loss of faculty, which is also the basis of the war pension scheme, is the loss of health, strength and the power to enjoy life, at home, in leisure pursuits or at work, as compared with a person of the same age and sex. It is the loss of capacity to lead a normally occupied life, as distinct from the loss of capacity to earn as much as the person concerned would have earned if he had not suffered any injury. This well-recognised concept, which has been established in practice for some time now, would probably be the most satisfactory basis for any scheme of compensation for crimes of violence. It does not eliminate the element of loss of earnings, but it is something which may occur without any loss of earnings. It has been found possible in the industrial injuries and war pensions schemes to make allowance for psychological disabilities; in compensation for violence this element is likely to be more important than in industrial injuries, at any event, and the question of whether or not they should give rise to a claim has to be decided. Undoubtedly the admission of such disabilities must increase the risk of fraud, since they are so easy to fake and even easier to exaggerate, but it would be unfortunate if genuine cases of psychological injury from crimes of violence were to be denied compensation for this reason. The working party clearly recognise this.

Pregnancy as a result of violence

In the case of violent sexual offences where pregnancy results, claims for compensation might be made both for the pregnancy itself and in respect of the child. The working party show some callousness in their approach to this particular problem. Saying, quite rightly, that pregnancy of itself does not necessarily make a woman incapable of work, they recognise ...at nevertheless a mother may want to give up her job, particularly after the birth of the child. This, it is considered, can be adequately compensated by the lump-sum maternity grant and the maternity allowance payable to those who are insured. It is therefore recommended that any compensation payable in respect of pregnancy should be restricted to cases where the mother could not obtain the national insurance benefits. This attitude fails entirely to take into account the distinction between the pregnancy which is willingly entered into by a married woman, or foolishly contracted because of lack of self-control, and the pregnancy which is forced on a woman entirely against her will. It seems a gross injustice that a man should receive a sum in compensation for, say, a broken leg resulting from an assault while an innocent girl should be deprived of anything more than her contractual rights under the contributory insurance scheme when her whole life has perhaps been wrecked by a pregnancy most cruelly imposed upon her.

Even harsher is the recommendation regarding the child. It is not thought practicable to provide any benefit by way of compensation for the child, the arguments being that it would be wrong to treat the mother as widowed in order to provide the kind of benefit which State insurance gives to widows, and that the idea of compensation cannot cover the costs and disadvantages of keeping "a child born as the result of crime . . . In view of the arrangements that now exist for children to be adopted or taken into the care of the local authority or a welfare organisation, it would be a matter of choice by the mother, however, whether she kept the child or not." In other words, insult is to be added to injury; having conceived a child against her will, and in the most horrible way, the mother is to be forced by economic necessity to give up that child after its birth.

Determination of claims

Although delay is undesirable in the settlement of claims of any kind, it would undoubtedly be necessary for compensation claims to receive very careful investigation because of the risk of fraud, and it is unlikely that they could be settled in a short time. This would unavoidably require that the victim should receive national assistance. Provisional payments would not be possible, because they would imply provisional acceptance by the State that a crime had been committed, and this might prejudice criminal proceedings. If there should prove to be alternative remedies open to the victim and overlapping benefits from public funds, there should be no duplication of benefits in respect of the same injury, but normal wages and payments received under insurance policies should not be deducted from the payment of compensation. Although it is recognised that decisions by judges carry more weight with the public, and therefore it would be preferable that the courts should decide on the question of eligibility for compensation, it is recommended that the tribunal system should be used in compensation claims since it has been found to work both cheaply and expeditiously in the industrial injuries and national insurance fields. It would probably be possible to settle straightforward claims without resort to any tribunal, but if there were a dispute it could be settled by a tribunal with a right of appeal to a court or some special tribunal.

It can be seen that compensation proceedings might prejudice the police in their investigation of crime and this is one of the difficulties to be faced. Also it would be most undesirable that a man should stand his trial for a crime of violence when compensation had already been awarded against him. Witnesses might well be loath to come forward to give evidence either for the prosecution or for the defence if they felt that they might have to give evidence again in civil proceedings, but it is difficult to see how this particular difficulty could be avoided. It does seem certain, however, that the criminal proceedings should precede the hearing of the claim for compensation, even if the resulting delay might be long. Since the burden of proof is lighter in civil than in criminal matters, cases might arise in which the offender was acquitted and yet the victim obtained compensation for the alleged offence; although this is not likely to happen very often it is an anomaly which could probably not be avoided.

It must be remembered that the amount of compensation likely to be awarded and the number of people involved would both be small, and it would be ridiculous that a scheme should be worked out that was so complicated and so expensive that it outweighed the advantages of compensation. Existing organisations should be used as much as possible, and the working party recommend that the Home Office and the Scottish Home Department should be responsible for the scheme and all questions of general policy. If the Home Office were to be made responsible, it is to be hoped that the operation of the scheme would be kept quite distinct and separate from the police interests of the Home Office, since there might well be a conflict of interests; also it is undesirable that the public should regard the police as "taking sides" in a civil matter.

A scheme on the lines of the industrial injuries scheme

Of the two possible forms of compensation schemes examined by the working party, the better known is the one on the lines of the industrial injuries scheme, since this was the one proposed by the Criminal Injuries (Compensation) Bill, and it had been suggested by Miss Fry in 1954. The industrial injuries scheme could, however, provide only a guide for a compensation scheme, since the problems would be quite different. The relationship with the criminal law of any method of compensation would make the principles on which the scheme operated quite different from those prevailing in the award of benefits for industrial injuries, but the skeleton administrative plans of the two schemes might usefully be very similar.

The benefits payable under the industrial injuries scheme—injury benefit, disablement benefit and death benefit—might equally be available in compensation cases. The amounts payable under the two schemes might also be the same: at present the rate of injury benefit is 97s. 6d. a week, and this is also the maximum disablement benefit where the disablement is assessed at 100 per cent. Under the industrial injuries scheme the basic disablement benefit is assessed as "loss of faculty" resulting from the accident or disease. There are fixed assessments of the maximum benefit in respect of certain defined injuries, such as loss of particular limbs, and other degrees of disability are assessed by reference to those fixed assessments. Independent medical boards have to make these assessments and also calculate the period during which disablement is likely to persist. From the board there is an appeal to a medical appeal tribunal, and an appeal lies on a point of law from the decision of a medical appeal tribunal to the Industrial Injuries Commissioner, who has approximately the status of a High Court judge. There seems no reason why a similar scheme should not work perfectly well in compensation cases, once it was decided that the case was an appropriate one for reparation to be made. But this is where a scheme based on the industrial injuries scheme runs into difficulties. How is the decision to be made that compensation should be paid? And is the authority to have power to vary the amount to be paid, or refuse payment altogether where there has been a degree of provocation?

Local assessors

There would clearly have to be some special tribunal, quite apart from the medical tribunals for assessing the amount of disablement, which would decide initially whether or not the claimant had in fact been the victim of a crime of violence and the extent to which he may have been responsible for what occurred. This tribunal would need to be attached to some Government department (the Home Office is suggested) for administrative purposes, though it should otherwise be independent. There would be no need for any regional organisation, since the number of claims would be small, but in some cases local inquiries would be desirable, and for this purpose "assessors" would be necessary. These assessors would be local solicitors, drawn from a panel which would probably be nominated by The Law Society. A large number of small panels of assessors, perhaps based on every market town area, would reduce travelling. A solicitor who acted as an assessor, or another member of the same firm, should not act in any criminal proceedings which might subsequently arise.

A Compensation Claims Commissioner

In straightforward and undisputed claims there would be no need for the assessors to be called upon, and they could be settled by one official, called in the report the "Compensation Claims Commissioner." This course is thought preferable to setting up a board to deal with the initial claim. There

would be a general appeal on the facts, law and merits from the commissioner to a board, and from this board's decision there would be a further right of appeal on a point of law, or possibly a general appeal, either to the High Court or to a lawyer of appropriate standing in the service of the Crown. The commissioner and the appeals board should be specially appointed to deal solely with compensation claims, but the medical boards and the medical appeal tribunals, who would have to decide the degree of loss of faculty and other medical questions, could be the same boards and tribunals as already operate under the industrial injuries scheme.

Delay in the investigation of claims for compensation would be inevitable in some cases, but it should be limited. It is suggested that the commissioner should proceed to consider a claim after one month from the date of the incident if the police inform him that there is no immediate prospect of their being able to charge anyone with the offence. Where criminal proceedings are taken and result in an acquittal, the commissioner should have discretion nevertheless to treat the claim for compensation as if there had been a conviction. For the protection of both claimants and witnesses, it would be essential to grant either an absolute or qualified privilege to the proceedings of the commissioner and the board, and it would also be advisable for the proceedings to be held *in camera* in the discretion of the commissioner or the chairman of the board. The disadvantages of calling witnesses on subpoena before the commissioner or the board could probably be avoided by making the depositions available in cases where an offender had been committed for trial. In those cases where the evidence given at the trial proved to be different from that given before the magistrates, it might be necessary to obtain transcripts of the evidence, but to do this in every case would be prohibitively expensive.

The working party do not deal with the problem of legal aid before such tribunals, since it was outside their terms of reference, but it is quite clear that any compensation scheme would be difficult to run effectively unless claimants were free to be represented before the commissioner and on appeal. In the vast majority of cases they would not be free to be represented unless legal aid were available, and whatever is decided about other tribunals, it would surely be desirable that legal aid should be extended to cover claims for compensation.

The courts as arbiters in compensation claims

Although the working party do not state their preference for any particular scheme, it is not difficult to infer that the one which is most favoured is that of a direct claim of compensation from the State with a right of recourse to the courts. This would get over many of the difficulties which would be unavoidable in any scheme run on the lines of the industrial injuries scheme. Settlement of straightforward claims would be negotiated with the Minister responsible—probably the Secretary of State—and this stage would be comparable to the settlement out of court of a claim for damages. If no settlement could be reached, there would be a right to go to the court for a decision on the claim. Compensation would be based on the common-law damages that would be awarded for the assault in respect of which the claim for compensation was made, except that it would be necessary to limit in some respects the amount and type of compensation which was payable. For example, exemplary damages would be inappropriate in such cases, nor would it be possible to make an award for loss of expectation of happiness; the normal practice of assessing future loss of earnings and capitalising that loss would give rise to gross inequalities in the amount of compensation awarded, and this, it is suggested, could be dealt with by imposing a maximum sum for an award. While the first two of these proposed limitations are quite understandable, the third is difficult to accept: either the courts should be given a free hand in assessing the actual damages sustained, or there should be some scale applicable to all claimants whatever their status in life, depending on the loss of faculty sustained. To make it possible for the courts to award varying sums for loss of future earnings, while putting a ceiling on the figure which could be awarded, would lead to a ridiculous situation. It would mean that a skilled worker would have a higher claim than an unskilled man for a similar injury, yet the professional man would be unable to obtain an award relevant to his actual future loss.

While a scheme of this type would throw a somewhat heavier burden on the courts, it would be very much easier to operate than the alternative one analogous to the industrial injuries scheme. Each claim made might be costly to the State, but there would probably be fewer trivial or otherwise undeserving claims, and many would no doubt be settled without reference to the courts.

The advantages of the court scheme are obvious. The whole scheme is administratively tidier, it would receive the respect of the public, and there would be greater protection against fraudulent or exaggerated claims. But there are some disadvantages. The publicity of proceedings before a court, while it would be valuable education for the public, might well discourage deserving people from claiming compensation. There would be likely to be much more delay in a court scheme, since the award would be final, and could not therefore be made until a final medical assessment of permanent disabilities had been reached. Compensation awarded by the courts would be in the form of a lump sum, and although this might well be more attractive to many people, the danger is that it would be swallowed up by speculation or squandered immediately. Another disadvantage of the court scheme would be that the Secretary of State would have to be represented at the hearing, and it might be necessary for the claimant to be cross-examined in such a manner as to create the impression that the Secretary of State was unsympathetic to victims and concerned to minimise the guilt of offenders. However, on balance, the court scheme has the greater attraction. Such claims would have great interest and importance for the public, and the dignity which would be given to them by the court procedure would be an undoubted advantage.

Recovery from the offender

Although mention is made of the value of recovery of compensation claims from the offender at several points in the report, it is not a matter which has been very fully dealt with. The difficulties under our present penal system are of course very great: so long as short-term prisoners are not allowed to work, but are closed up like animals in cages for many hours of the day, there is no way in which an offender can effectively be made to make reparation to the victim. The court scheme would make it easier for reparation to be ordered than in the case of the industrial injuries type of scheme, but it is difficult to see how any such order could be fulfilled. To delay payment until the offender had completed his prison sentence would be most unsatisfactory, since it would add yet another burden to his difficult task

of rehabilitation. Where the offender is not sent to prison, it may be possible to make some order for small weekly payments, but without some system such as attachment of earnings this would not be very satisfactory. The solution would be easy if only there were a more civilised approach to the convicted offender. Why should he not be put to properly paid work while serving a term of imprisonment, thereby earning sufficient to maintain his family and if necessary to compensate any victim of his crime? The answers have been given to this question time and time again; the difficulty and expense of setting up factories and workshops suitable for prisoners, the opposition of the trades unions, and the general inadequacy of prison housing and staffing have all been heard of many times, but surely, if other countries can overcome these difficulties, so can we. It is acknowledged that the boredom of prison life is one of the causes of recidivism, and the time has surely come when the new prisons at least can be made to provide the occupants with useful occupation which would relieve the State of the burden on their families and incidentally would make it possible for the courts to order compensation of victims of all sorts of crimes, not only those of violence. Therefore, let any scheme of compensation make full provision for recovery from the offender; but while this is still impracticable it is to be hoped that the victim may receive some just recompense from the State, whatever method may be chosen.

(*Concluded*) MARGARET PUXON.

HERE AND THERE

TREND

NOWADAYS we are all expected to be "trend conscious." Today's popular fad is to be projected indefinitely into the future, and to resist or ignore it is retrograde and reactionary, which is the current equivalent of impious. Where formerly the parson would have adjured us to be content in that state of life to which it had pleased God to call us, the modern sociologist would tell us to keep quietly to the "trend" conveyor-belt on which evolutionary science is carrying us to a preordained destination which there is no evading. If we go the way that everybody else is going we shall be quite safe, because the mass man is always right. The broad stream of humanity flows irresistibly forward through the changing landscapes of history, and one of the most prominent features of the said landscape through which it happens to be flowing at present is the strike or "work to rule." Those of us who are constitutionally behind the times will certainly feel a strong reluctance to catch up with them at this particular point. Formerly one of the main marks of what used to be called "the liberal professions" really was, oddly enough, their liberality in the sense that money making was not their main object. Naturally, their members had no objection to making large fortunes by professional success, but that was not the standard by which they judged one another. A man might achieve very little in the way of glittering prizes and still enjoy the highest honour among his fellows simply by being, quite literally, honourable. Wrangling over money did not come naturally in that sort of atmosphere.

WORK TO RULE

BUT wrangling over money and paid working hours has become such an established custom that only the sort of antediluvian exceptions who shy away from the "telly" still hold aloof from it. Everybody's doing it and so the legal profession too must learn to adapt itself to a world of collective bargaining, strike action and the rest, and the first step has been taken by the solicitors operating the Poor Roll (Scotch for "legal aid") in the Glasgow Sheriff Court. Convinced that they were being egregiously exploited by people who could well afford to pay proper legal fees, they have declared their intention of "working to rule" according to the strict terms of the Sheriff Courts (Scotland) Act, 1906. With a brotherly understanding not always in evidence elsewhere between the two branches of the profession, the Dean of the Faculty of Advocates has expressed what, I think, in trade union circles is called "solidarity" with them and has approved their action. The repercussions are likely to be felt far beyond Glasgow, since there is a general feeling that the Poor Roll remuneration has been too low for too long. After all, the layman who is trying to get something for nothing is not himself in a very strong position to lecture the lawyers on the moral duty of disinterestedness and self-abnegation.

MALTESE LAWYERS CROSS

IT is not only in Scotland that the same spirit is stirring. In this the land of brown heath and shaggy wood is linked with the sun-baked shores of the Mediterranean. There has been a lawyer's strike in Malta but in the Maltese idiom and not on the sort of serious point of principle which troubled the Scots. From afar it looks as if it possessed a decided element of light opera and frivolity but, close to, it may well be far more serious. What was it made the Maltese lawyers cross enough to go on strike and hold up a murder trial? They objected to being required to wear wing collars in court. That reads rather like a "storm in a tea break" strike, but doubtless they feel the pinch in some fashion unapprehended by the English lawyer, who no more expects to be made comfortable in court than a guardsman expects to be made comfortable on the Horse Guards Parade during Trooping the Colour. After all, litigation is a quasi-military operation, a form of private warfare within rules. Vigilance is of the essence of its conduct. Make the lawyers comfortable and they may drop off to sleep. But perhaps in the Maltese climate a wing collar amounts in practice to a form of strangulation or garotting. That would be different.

RICHARD ROE.

Societies

Solicitor members of CENTRAL AND SOUTH MIDDLESEX LAW SOCIETY entertained their managing clerks at a dinner held on Wednesday, 27th September, at Skyways Hotel, London Airport. One hundred and ten solicitors and managing clerks and articled clerks were present and the guest of honour was Sir Colin Pearson. Among those present were the president of the society (Alderman R. C. Politeyan), the vice-president (Mr. John E. Aylett), past presidents (Mr. J. A. S. Nicholls and Mr. Reginald C. Garrod), the honorary secretary (Mr. W. Gillham), and the honorary assistant secretary (Mr. M. N. Crocker).

NOTES OF CASES

*These notes are published by arrangement with the Council of Law Reporting. Except in respect of those marked *, full reports of the judgments, revised by the judges, will shortly appear in the Weekly Law Reports.*

Case Editor: J. D. PENNINGTON, Esq., Barrister-at-Law

Judicial Committee of the Privy Council

SHIPPING: BILL OF LADING: PRIMA FACIE EVIDENCE OF RECEIPT OF GOODS: REBUTTAL

A.-G. of Ceylon *v.* Scindia Steam Navigation Co., Ltd., India

Lord Cohen, Lord Denning, Lord Morris of Borth-y-Gest, Lord Guest and the Rt. Hon. L. M. D. de Silva

3rd October, 1961

Appeal from the Supreme Court of Ceylon.

Pursuant to an agreement between the Government of Ceylon and certain shipping lines providing for the carriage of rice from Burma to Ceylon, subject to the terms and conditions of the bills of lading, a number of bags were shipped on the *s.s. Jalaveera*, belonging to the respondent company, at Rangoon for carriage to Colombo. The bills of lading, which applied the terms of the Indian Carriage of Goods by Sea Act, 1925—which by r. 4 of art. III of the Schedule to the Act provided that the bill of lading should be prima facie evidence of the receipt by the carrier of the goods as therein described—stated that a total of 100,652 bags had been shipped in apparent good order and condition, "weight, contents and value when shipped unknown." The ship did not call at any intermediate port before reaching Colombo. On a claim by the appellant, the Attorney-General of Ceylon (as representing the Government), for damages for short delivery of 235 bags of rice from the ship the respondent pleaded, *inter alia*, that the entire quantity of the cargo shipped was discharged, and that in any case the company was protected by the terms of the bills of lading. The claim succeeded in the District Court of Colombo, but the judgment of that court for Rs. 14,279.19 (less a notional insurance claim) was set aside by the Supreme Court of Ceylon. The Attorney-General appealed.

LORD MORRIS OF BORTH-Y-GEST, giving the judgment, said that though the statements in the bills of lading as to the number of bags shipped did not constitute conclusive evidence as against the respondent company, they formed strong prima facie evidence that the stated number of bags was shipped unless there was some provision in the bills of lading which precluded that result, or very satisfactory rebutting evidence was produced by the respondent, and it was not. "Weight, contents and value when shipped unknown" was not a disclaimer as to the number of bags, and the appellant was not disentitled by the conditions in the bills of lading from relying on the admission that bags to the numbers stated in the bills of lading were taken on board, and the respondent was accordingly under an obligation to deliver the full number of bags, and on the evidence had failed to do so. The bills of lading were not, however, even prima facie evidence of the weight or contents or value of the bags, the proof of which was on the appellant. It was a reasonable and proper inference in all the circumstances that the bags that were shipped contained rice, and there was evidence, accepted by the respondent, that a full bag of rice weighed about 160 lbs. There had accordingly been a short delivery of 235 bags of rice, each weighing about 160 lb., and on the evidence neither the contents of those bags had been accounted for, nor were the 235 empty bags themselves delivered. The appellant was therefore entitled to the damages claimed and not, as contended by the respondent, to the value of 235 empty bags only: see per Hill, J., in *R. & W. Paul, Ltd.* v. *Pauline* (1920), 4 Ll. L. Rep. 221. Appeal allowed.

APPEARANCES: *E. F. N. Gratiaen*, Q.C. (Ceylon), *Walter Jayawardena* and *A. C. De Zoysa* (*T. L. Wilson & Co.*); *Michael Kerr*, Q.C. (*Holman, Fenwick & Willan*).

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law]

House of Lords

CRIMINAL LAW: HOMICIDE: AUTOMATISM AS DEFENCE

Bratty *v.* A.-G. for Northern Ireland

Viscount Kilmuir, L.C., Lord Tucker, Lord Denning, Lord Morris of Borth-y-Gest and Lord Hodson. 3rd October, 1961

Appeal from the Court of Criminal Appeal in Northern Ireland.

The appellant was convicted at the Downpatrick Assizes of the murder of an eighteen-year-old girl on 22nd December, 1960. At the trial it was not disputed that he had killed the girl. The defence asked the jury to find "one of three separate and completely independent verdicts." These were: (1) A verdict of not guilty on the basis that the appellant was in a state of automatism; (2) if the jury rejected the first defence, a verdict of manslaughter, on the basis that he was incapable of forming the particular intent to constitute murder; (3) if the jury were unable to come to either the first or second verdicts, a verdict of guilty but insane. The Court of Criminal Appeal dismissed the appeal but granted a certificate under the Administration of Justice Act, 1960, and leave to appeal to the House of Lords. The court certified that their decision involved two points of law of general public importance, namely: (1) Whether, the appellant's plea of insanity having been rejected by the jury, it was open to him to rely upon a defence of automatism; and (2) if the answer to (1) were in the affirmative, whether, on the evidence, the defence of automatism should have been left to the jury. On 6th September, 1961, the House of Lords dismissed the appeal.

VISCOUNT KILMUIR, L.C., said that the Court of Criminal Appeal were right in taking the view that the trial judge was correct in not leaving to the jury the defence of automatism in so far as it purported to be founded on a defect of reason from disease of the mind within the McNaghten Rules. The Court of Criminal Appeal also took the view that where the alleged automatism was based solely on a disease of the mind within the McNaghten Rules, the same burden of proof rested on the defence whether the "plea" was given the name of insanity or automatism. That statement went no further than saying that when one relied on insanity as defined by the Rules, one could not by a difference of nomenclature avoid the road so often and authoritatively laid down by the courts. That did not mean that, if a defence of insanity was raised unsuccessfully, there could never, in any conceivable circumstances, be room for an alternative defence based on automatism. For example, it might be alleged that the accused was a sleep-walker. In the present case it was conceded that there was nothing to show or suggest that there was any other pathological cause for automatism apart from the appellant having suffered from an attack of psychomotor epilepsy. In these circumstances the Court of Criminal Appeal were right to reject the submission that in any event the question of automatism ought to have been left to the jury. The appeal would be dismissed.

The other noble and learned lords delivered opinions dismissing the appeal. Appeal dismissed.

APPEARANCES: *B. Kelly*, Q.C., and *R. Ferguson* (both of the Bar of Northern Ireland) (*Prothero & Prothero*, for *David H. Smyth*, Newtownards, Northern Ireland); *W. Brian Maginess*, Q.C., A.-G. for Northern Ireland, *C. A. Nicholson*, Q.C., and *R. J. Babington* (both of the Bar of Northern Ireland) (*Linklaters & Paines*, for *Chief Crown Solicitor, Northern Ireland*).

[Reported by J. A. GRIFFITHS, Esq., Barrister-at-Law]

FACTORY: WHETHER WATER AN "ARTICLE": WHETHER PUMPING STATION A "FACTORY"

Longhurst *v.* Guildford, Godalming and District Water Board

Lord Reid, Lord Tucker, Lord Birkett, Lord Hodson and Lord Guest

5th October, 1961

Appeal from the Court of Appeal ([1961] 1 Q.B. 408; 104 SOL. J. 1094).

The appellant was employed by a water board at one of their pumping stations. In the course of his employment he was injured when his right hand was caught in the transmission machinery of a pump house at the station. The purpose of the pump house was to put the water under pressure after it had been filtered in the filter house. The appellant brought an action against the board alleging negligence at common law and breaches of statutory duty. Lord Parker, C.J., dismissed both heads of claim and the Court of Appeal affirmed that decision. The appellant appealed.

LORD REID said that the appellant could only succeed if the place where he was injured was within a factory: his claim at common law must fail. The appellant's case based on statutory duty was that the whole premises were a factory within s. 151 (1) of the Factories Act, 1937, because the water was cleaned and altered and adapted for sale in the first building and that his injury was caused by the respondents' failure to comply with their statutory obligation to fence securely the transmission machinery in the second building. The respondents' answer was twofold: (1) no part of their premises was a factory; and (2) in any event s. 151 (6) applied to exclude the second building. As to (1), his lordship was of opinion that the water in the filter house was an article and that by reason of its treatment there the premises were a factory within the meaning of s. 151. But as to (2) he agreed that s. 151 (6) excluded the pump house from the "factory" and on that ground the appeal failed.

The other noble and learned lords delivered opinions dismissing the appeal. Appeal dismissed.

APPEARANCES: *G. G. Blackledge*, Q.C., and *P. Perrins* (*Darracotts*); *F. W. Beney*, Q.C., and *E. W. Eveleigh*, Q.C. (*William Charles Crocker*).

[Reported by J. A. GRIFFITHS, Esq., Barrister-at-Law]

Court of Appeal

APPEAL: FRESH EVIDENCE: WHETHER ADMISSIBLE: SOLICITOR: DUE DILIGENCE: DISCOVERY OF EVIDENCE

Crook *v.* Derbyshire

Ormerod, Harman, and Pearson, L.JJ.

4th October, 1961

Appeal from Stable, J., at Manchester Assizes.

On 14th August, 1958, the plaintiff, in the course of her employment as a waitress, fell down the outside steps of a restaurant and was injured. She alleged that as she put her left hand on the wooden handrail it swung inwards, causing her to fall. When the handrail was seen by experts in July, 1960, it was secure because of a piece of groove boarding affixed to it. At the trial of the plaintiff's action for damages against the defendant, the proprietress of the restaurant, the plaintiff, her husband and three other independent witnesses, all of whom knew the steps, said that the handrail was insecure at the time of the accident and that the groove boarding which made it secure had been affixed subsequently. The defendant, her husband and the previous proprietor of the restaurant all said that the handrail was in the same condition at the date of the accident as it was when seen by the experts. The previous proprietor was positive that the groove boarding had been put in by a firm of joiners in 1953 because of work he had ordered. The joiners were not called at the trial. The judge dismissed the plaintiff's claim in view of the cogent evidence for the defence. After the trial the plaintiff's solicitors learnt from the joiners named by the previous proprietor that they had not fixed the groove boarding to the handrail at any time and that it was the work of an amateur. The plaintiff, on appeal, sought leave to adduce the fresh evidence of the joiners and asked that a new trial be ordered.

ORMEROD, L.J., said that fresh evidence could only be admitted if it could not have been obtained with reasonable diligence at the trial and would be cogent. It was conceded that the fresh evidence in this case was important but it was said that the plaintiff's solicitors, exercising due diligence, should have made inquiries of the previous proprietor as to the past history of the staircase and, consequently, could have obtained the proposed fresh evidence for the trial. But since the plaintiff's solicitors had five witnesses who said that the handrail was insecure and the groove board was not there at the time of the accident, it was not unreasonable for them to consider that the plaintiff had a good case and that further inquiries were unnecessary. The date of the work done to the steps only became material after the evidence of the previous proprietor, which could not reasonably have been anticipated. The court would allow the fresh evidence and order a new trial.

HARMAN and PEARSON, L.JJ., delivered concurring judgments.

APPEARANCES: *Alexander Karmel*, Q.C., and *Desmond Bailey* (*Robinson & Bradley*, for *Farley, Parker & Pickles*, Blackburn); *Daniel Brabin*, Q.C., and *Charles Elliott* (*Barlow, Lyde & Gilbert*, for *E. Rennison & Son*, Blackburn).

[Reported by NORMAN PRIMOST, Esq., Barrister-at-Law]

CONFLICT OF LAWS: ENGLISH SETTLEMENT: POWER OF WITHDRAWAL: DISCRETION TO DISREGARD RESULTS OF FOREIGN STATUS

***In re* Langley's Settlement Trusts; Lloyds Bank, Ltd. *v.* Langley**

Lord Evershed, M.R., Donovan and Danckwerts, L.JJ.

5th October, 1961

Appeal from Buckley, J. (p. 39, *ante*).

By an English settlement made in 1928 a settlor disposed of funds for the benefit of his former wife and the issue of that marriage. By cl. 8 the settlor was permitted at any time during his life to withdraw any part of the trust fund provided that the capital remaining should be of a certain value. In 1937 the settlor took up residence in California, U.S.A., and remarried. As he suffered from progressive multiple sclerosis, which completely disabled him physically, though it left his mental faculties unimpaired, a decree was issued in February, 1956, in the Superior Court of the State of California by which the settlor was declared to be an "incompetent," and his present wife was appointed guardian of his person and estate. By a further order of the same court on 9th April, 1956, the wife was authorised to exercise any power over the trust fund which the settlor could have exercised if he had been "competent." In October, 1959, the settlor executed a notice of withdrawal of funds from the

REGISTER OF
AUCTIONEERS, VALUERS, SURVEYORS, LAND AND ESTATE AGENTS

LONDON

CITY OF LONDON

BRIGHTWELL & MADDOCK, 29 Ludgate Hill, E.C.4. Tel. CITy 1962/6781.

CHAMBERLAIN & WILLOWS, 23 Moorgate and 58 Coleman Street, E.C.2. Tel. METropolitan 8001 (10 lines).

DEBENHAM, TEWSON & CHINNOCKS, 8 Telegraph Street, Moorgate, E.C.2. Tel. Monarch 5962 (Private branch exchange).

DOUGLAS YOUNG & CO., 12 Coleman Street, E.C.2. Est. 1868. Tel. MON 9378 and at Clapham, S.W.9.

DRON & WRIGHT, 17 Coleman Street, Moorgate, E.C.2. Tel. MONarch 6946 (PBX).

FULLER, HORSEY, SONS & CASSELL. Surveyors, Valuers and Auctioneers of Industrial Premises, Plant and Machinery. 10 Lloyds Avenue, E.C.3. ROY 4861. Established 1807.

GOOCH & WAGSTAFF, Chartered Surveyors, 3 & 4 Old Jewry, E.C.2. Tel. Metropolitan 9444.

HICKLENTON & PHILLIPS, Specialists in Valuation of Jewels and Silver for probate or purchase, 90 Cheapside, E.C.2. METropolitan 8441.

HORNE & CO. (Founded 1795), Chartered Surveyors, Chartered Auctioneers and Estate Agents, 9 Ironmonger Lane, E.C.2. METropolitan 8105 (3 lines).

KING & CO., Chartered Surveyors, 71 Bishopsgate, E.C.2. Tel. LONdon Wall 7201 (5 lines). See also North London.

MARK LIELL & SON, Chartered Surveyors, 9-13 Crutched Friars, E.C.3. Telephone ROYal 5454. And East London.

MATTHEWS & GOODMAN, Chartered Surveyors, 35 Bucklersbury, E.C.4. Tel. CITy 5627.

MOORE, C. C. & T., Chartered Surveyors, 13 Lime Street, E.C.3 (Established 1820). Tel. MAN 0335/7.

RICHARD ELLIS & SON, Chartered Surveyors, 165 Fenchurch Street, E.C.3. Est. 1773. Tel. MINcing Lane 4272.

ST. QUINTIN, SON & STANLEY, Chartered Surveyors, 149 Leadenhall Street, E.C.3. Est. 1830. Tel. AVEnue 6055.

TOPLIS & HARDING & FINDLAY, 13/14 Union Court, Old Broad Street, E.C.2. Tel. LONdon Wall 7071.

HAROLD WILLIAMS & PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288. And at 80 High Street, Croydon. Tel. Croydon 1931.

NORTH LONDON

ALFRED SLINN & CO. (Est. 1889), Muswell Hill Broadway, N.10. Tel. TUD 0091 (5 lines).

BARBER & MOORE, F.A.L.P.A., 26 Stoke Newington Road, N.16. Tel. CLissold 2143/4.

BATTY & STEVENS, 269 Archway Road, Highgate, N.6. Tel. MOU 3424/5. Also at Muswell Hill, Finchley and Barnet, Herts.

KING & CO., Chartered Surveyors, 725 Green Lanes, N.21. Tel. LABurnum 6633 (5 lines). See also City of London.

J. MAUNDER TAYLOR, Chartered Surveyor, Chartered Auctioneer and Estate Agent. 1318 High Road, N.20. Tel. HiLside 2377/7217.

NEWBON & SHEPHARD, Auctioneers, Surveyors and Estate Agents, 274/5 Upper Street, Islington, N.1. Tel. CANonbury 1800.

PERRY & SEYMOUR, Surveyors, Valuers and Estate Agents. 6 Stoke Newington Road, N.16. Tel. CLissold 6611/2.

H. PUTT & SONS, Chartered Surveyors, 580 Green Lanes, London, N.8. Tel. STA 3750. Valuations for Probate and Compulsory Acquisition. Urban Estate Managers.

STURT & TIVENDALE, Chartered Surveyors, 1261 High Road, Whetstone, N.20. Hil. 3331/2 and at High gate, N.6, and Muswell Hill, N.10.

WARD, SAUNDERS & CO., 298/299 Upper Street, Islington, N.1. Tel. Can 2487/8/9.

NORTH-EAST LONDON

H. EDELMAN & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors, Valuers, 172 Clapton Common, E.5. STA 0036.

WM. STEVENS & SON, 5 Dalston Lane, E.8. Auctioneers and Surveyors. Est. 1869. Tel. Clissold 1802. Also at Brondesbury, N.W.6, and Edgware.

NORTH-WEST LONDON

ANDREWS, PHILIP & CO., F.R.I.C.S., Chartered Surveyors, 275 Willesden Lane, N.W.2. Tel. WILlesden 2236/8.

NORTH-WEST LONDON (*continued*)

ANSCOMBE & RINGLAND, G. B. Slater, W. Andrews, J. G. Slater, Chartered Surveyors, Auctioneers and Estate Agents, 8 Wellington Road, N.W.8. Tel. PRI 7116.

BENNETT & CO., Surveyors, Valuers, Auctioneers, 167 Cricklewood Broadway, N.W.2. Tel. GLAdstone 6666 and 7871 (6 lines).

CAMERONS (Est. 1908), Estate Agents and Valuers 90 Walm Lane, N.W.2. Tel. WIL 0091.

T. B. WESTACOTT & SONS, Surveyors, Valuers and Auctioneers, 74 Camden Road, N.W.1. Tel. GULliver 3331/2.

SOUTH-EAST LONDON

BLAKE & DANNATT (Est. 1875), Chartered Surveyors, R. S. Jackson, F.R.I.C.S., F.A.I., George Dannatt, F.R.I.C.S., F.A.I., 18 Nelson Road, S.E.10. Tel. GREenwich 0593/0560.

EASTMAN BROS., Estate Agents & Valuers, 280 Kirkdale, S.E.26. Tel. SYD 6601.

FURLONG (H. J.) & SONS, Surveyors, Auctioneers and Valuers, 1 Woolwich New Road, Woolwich, S.E.18. Tel. 1467/8. And at Eltham, S.E.9, and branches.

HUMPHREYS, SKITT & CO. (Est. 1793), 205 Greenwich High Road, S.E.10. GRE 1102/3.

NOYS & HOWES, F.A.L.P.A., 4 Sydenham Road, S.E.26, and 137 Anerley Road, S.E.20. Tel. Syd. 5173, 6293, and 4742.

PEARSONS, Chartered Surveyors, 189/191 Stanstead Road, Forest Hill, S.E.23. Tel. FOR 1133/6.

VICTOR W. HINDWOOD & CO., Auctioneers and Surveyors, 37 Charlton Church Lane, S.E.7. Tel. GREenwich 1144/5/6. Blackheath Village, S.E.3. Tel. LEE 3747. And Branches.

SOUTH-WEST LONDON

ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 193 New King's Road, S.W.6. Tel. REN 1368/9 & 2317. Also at Richmond, Surrey (q.v.).

ANLEY & CO., Auctioneers and Surveyors, 853 Fulham Road, S.W.6. REN 2383/5.

GEORGE BELBIN & CO., Chartered Surveyors and Valuers, 1 Knightsbridge Green, S.W.1. Tel. KNIghtsbridge 8846/8.

CALLOW & CO. (Estab. 1845), 1 Leigham Court Road, Streatham, S.W.16. Tel STR 0185/6 & STR 5252.

EDWIN EVANS & SONS (Est. 1880), Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 251 & 253 Lavender Hill, Clapham Junction, S.W.11. Tel. BAT 0051 (4 lines). And at Morden, Surrey. Tel. MIT 2281.

FINCH & CO., F.R.I.C.S., F.A.I., 187 Kingston Road, Wimbledon. Tel. LIB 3345. And Clapham, S.W.4.

JOHN FOORD & CO., 56 Victoria Street, S.W.1. Tel VIC 2002/4. Industrial Valuers, Buildings, Plant & Machinery.

W. HALLETT & CO. (Est. 1869), Surveyors, Valuers and Estate Managers (L. J. Nixon, A.R.I.C.S., Chartered Surveyor, A. R. Nixon, A.A.L.P.A.), 6 Royal Parade, Kew Gardens, Richmond. Tel. RIChmond 1034 and 5950.

C. ERNEST MANEY, F.A.I., F.V.I., 1 Cavendish Parade, South Side, Clapham, S.W.4. Tul 4414.

RAYNERS, Property Managers, 30 Upper Richmond Road, Putney, S.W.15. Tel. VANdyke 1000/3166/4242.

TAYLOR, A. W., & CO., Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 159 Putney High Street, S.W.15. Tel. Putney 0034 (3 lines). Est. 1883.

WATSON & EWEN (Est. 1896), 366 Streatham High Road, S.W.16 (F.R.I.C.S., F.A.I.). Tel. Streatham 0232 and 4788.

WILLIAM WILLETT ESTATE AGENTS LTD., Sloane Square, S.W.1. Tel. Sloane 8141. And at 146 Gloucester Road, S.W.7. Tel. Frobisher 2238.

YORK & JONES, Office & Business Premises Specialists, 11 Palmer Street S.W.1. Tel. ABB 1181/4.

EAST LONDON

ANSTEYS (Est. 1878), Chartered Surveyors, Auctioneers and Valuers, 511 Barking Road, Plaistow, E.13. Tel. Grangewood 0308.

H. J. BLISS & SONS (Est. 1816), 162/4 Bethnal Green Road, E.2. Tel. BIS 4818/9.

BROWN & EWIN, Chartered Auctioneers and Estate Agents, 218 East India Dock Road, E.14. Tel. East 3872.

EAST LONDON (*continued*)

CLARKSON & PARTNERS, Chartered Surveyors and Estate Agents, 223 East India Dock Road, E.14. Tel. EASt 1897/8. And at 23 Billiter Street, E.C.3. Tel. ROYal 1006/7.

MOORE, C. C. & T., Chartered Surveyors, 33 Mile End Road, E.1. City Office: 13 Lime Street, E.C.3. Tel. MAN 0335/7.

TAYLOR, LOCKHART & LANG, Auctioneers, Surveyors and Estate Managers, Est. 130 years. (S. S. Lockhart, F.A.L.P.A., J. W. Lockhart, A.R.I.C.S., A.A.I., R. A. Lang, A.R.I.C.S., M.R.S.H.), 230/232 Whitechapel Road, E.1. BIShopsgate 7378 and at 95 Park Lane, W.1.

WEST-CENTRAL LONDON

BAILEY & WOODBRIDGE, 9 Great Russell Street, W.C.1 Tel.: MUSeum 2624. Estate Agents, Surveyors, Investment Specialists.

BUCKLAND & SONS, 4 Bloomsbury Square, W.C.1. Tel. HOL 0013/4. Also at Windsor, Slough and Reading.

SAVILL, ALFRED & SONS, Chartered Surveyors, Land and Estate Agents, Valuers and Auctioneers, 51a Lincoln's Inn Fields, W.C.2. Tel. HOLborn 8741/9. Also at Chelmsford, Guildford, Norwich, Wimborne and Woking.

E. A. SHAW & PARTNERS (Est. 1899). Surveyors and Valuers, 19 and 20 Bow Street, W.C.2. Tel. COV 2255.

WEST END LONDON

BEECROFT SONS & NICHOLSON—H. C. H. Beecroft, P. R. Beecroft, F.R.I.C.S., F.A.I., Valuers, Surveyors and Assessors, 32a Weymouth Street, W.1. Tel. LAN 6721 (4 lines).

DOUGLAS KERSHAW & CO., Chartered Auctioneers and Estate Agents, Valuers. 20 Brook Street, W.1. Tel. MAYfair 4928 and 3404.

DOUGLAS YOUNG & CO., 1 Dover Street, W.1. Tel. HYD 6441 and at E.C.2.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, S.W.1. Tel. TRAfalgar 4744.

FOLKARD & HAYWARD, 115 Baker Street, W.1. Tel. WELbeck 8181.

HERRING, SON & DAW (incorporating Arthur F. Bourdas), Rating Surveyors, Valuers and Town Planning Consultants, 23 St. James's Square, S.W.1. Tel. TRAfalgar 4121.

MAPLE & CO., LTD., Estate Offices, 5 Grafton Street, Bond Street, W.1. Tel. HYDe Park 4685.

PERRY & BELL, Bell House, 175 Regent Street, W.1. Tel.: REGent 3333 (4 lines). Surveyors, Valuers, Estate Agents and Auctioneers.

WEST LONDON

ALLEN & NORRIS, LTD., Estate Agents, Valuers and Surveyors, 190 Fulham Palace Road, W.6. Tel. Ful 7817/8/9.

ATHAWES, SON & CO., F.A.I. (Est. 1871), Chartered Auctioneers & Estate Agents, Valuers, Surveyors and Estate Managers, Acton, W.3. (ACOrn 0056/7/8.)

BEALE & CAPPS, Chartered Auctioneers, Surveyors, Valuers, 126 Ladbroke Grove, W.10. Tel. PAR 5671.

CHESTERTON & SONS, Chartered Surveyors, Auctioneers and Estate Agents, 116 Kensington High Street, W.8. Tel. Western 1234.

COLE, HICKS & CHILVERS, Surveyors, etc., Helena Chambers, 42 The Broadway, Ealing, W.5. Tel. Eal 4014/5.

COOKES & BURRELL, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, West Kensington, W.14. Tel. FULham 7665-6.

FARNHAM & COIGLEY, Chartered Surveyors and Estate Agents, 9 Kensington Church Street, W.8. Tel WEStern 0042.

FLOOD & SONS, Chartered Auctioneers and Estate Agents, 8 Westbourne Grove, W.2. Tel. BAY 0803.

TIPPING & CO., Surveyors, Estate Agents and Valuers, 56 Queensway, W.2. Tel. BAY 6686 (4 lines).

GEO. WESTON, F.A.I., Auctioneers, Estate Agents, Valuers, Surveyors, 10 Sutherland Avenue, Paddington, W.9. Tel. Cun 7217 (5 lines).

LONDON SUBURBS

Barnes, East Sheen and Roehampton.—RODNEY SCOTT & CO. (F. G. Porter, F.A.I.), 121 Church Road, Barnes, S.W.13. RIV 2641 (3 lines). And East Sheen.

Battersea, Clapham Junction, Tooting, Southfields.—RAYNERS (Neville Raner, J.P., F.V.I., F.R.V.A.; L. S. E. Pegler, A.R.I.C.S., A.A.I.), 205 Lavender Hill, S.W.11. Tel. BATtersea 8686. Four Offices.

Blackheath and Sidcup.—DYER SON & CREASEY, Chartered Surveyors, 22 Tranquil Vale, S.E.3, and 111 Station Road, Sidcup.

Brentford (for West London and West Middlesex).—LINNEY, MATTHEWS & CO. (C. A. Naylor, F.A.I., F.A.L.P.A., F.V.I.), Chartered Auctioneers and Estate Agents, Valuers, 112 High Street, Brentford. Tel. ISLeworth 5277/8.

Chiswick and Bedford Park.—TYSER, GREENWOOD & CO., 386 High Road. H. Norman Harding, F.R.I.C.S., F.A.I., Ernest J. Griffen, F.A.I., G. S. Bradley, F.A.I., Est. 1873. Tel. Chiswick 7022/3/4.

Ealing, Ealing Common and District.—JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, adj. Ealing Common Station, W.5. Tel. ACO 5006 (3 lines).

East Ham.—HAMLETTS (LEWIS J. HAMLETT, F.R.I.C.S.), 764 Barking Road, Plaistow, E.13, Surveyors and Estate Agents. Est. 1893. Tel. Grangewood 0546.

East Sheen, Barnes and Richmond.—C. & E. MELVILLE (John A. Knowlton, F.R.I.C.S.), 233 Upper Richmond Road West, East Sheen, S.W.14. Tel. PROspect 1021/2/3.

(*Continued on p. xvii*)

trust, by placing his mark on the document, and his wife as his guardian also executed it on his behalf. Under Californian law an "incompetent" was not able to exercise the power of withdrawal. On a summons taken out by the trustees of the settlement Buckley, J., held that the power had been validly exercised. The settlor's grandson by his first marriage appealed.

LORD EVERSHED, M.R., said that on the authorities and the rules in Dicey's "Conflict of Laws" he was satisfied that, although the courts here ought in general to recognise a status imposed by the law of domicile, they also had a discretion in giving effect to the results of such status, particularly where those results were "penal." The Californian court had decreed that the settlor as an "incompetent" was unable to look after his own affairs, but his status also included the appointment, by those same courts, of a guardian for his protection. If this court recognised the status, they must recognise it in its totality; and that would produce the same result, namely, that the power had been effectively exercised. If that were not right, and r. 29 in Dicey had to be invoked, his lordship would agree with Buckley, J., that if the result of recognising the status was to deprive the settlor of an extremely valuable right, that would, as a matter of ordinary English, be "penal" in its consequences, and the court would not give effect to a result of a status which was penal. The appeal should be dismissed.

DONOVAN and DANCKWERTS, L.JJ., delivered concurring judgments. Appeal dismissed.

APPEARANCES: *M. Stranders*, Q.C., and *B. T. Buckle* (*Pothecary & Barratt*); *J. W. Brunyate* (*Coward, Chance & Co.*); *J. A. Armstrong* (*Reynolds, Gorst & Porter*).

[Reported by Miss M. M. HILL, Barrister-at-Law]

NEGLIGENCE: STEVEDORES USING SHED: INJURY TO EMPLOYEE THROUGH SLIPPERY FLOOR: LIABILITY

Johnson *v.* Rea, Ltd.

Ormerod, Harman and Pearson, L.JJ. 6th October, 1961

Appeal from the Presiding Judge of the Court of Passage, Liverpool.

The plaintiff was the driver's mate on a lorry delivering kegs of chemicals to the defendants. The defendants were stevedores under contract to load a particular ship owned by the Anchor Line, Ltd., with cargo stored in a shed on the wharf alongside it. The defendants were not the occupiers of the shed, but they had been using it for about four days for loading cargo. In the shed there were deposited sacks of soda ash; soda ash tends to seep through sacks and form a fine film on the ground, making it very slippery. On 10th June, 1959, as the plaintiff was taking one of the kegs to its appropriate place in the shed, he slipped and fell on a layer of soda ash, the keg crushing his hand. The judge held the defendants liable in negligence for the plaintiff's injuries, but he also held the plaintiff guilty of contributory negligence and apportioned liability equally between them. The defendants appealed on the issue of negligence and the plaintiff on contributory negligence.

ORMEROD, L.J., said that the question was whether the defendants owed a duty to the plaintiff in respect of the danger created by the soda ash. The plaintiff knew that the floor was slippery because of the soda ash. So, too, did the defendants, who also knew that the plaintiff was to go into the shed to deliver the kegs of chemicals. The floor could have been swept or matting could have been put down, but the defendants did nothing to obviate the danger known to exist. It was unreasonable of the defendants not to have taken any steps to remove the danger, and their duty was not discharged merely by giving the plaintiff a warning about the slippery condition of the floor. There was really no evidence that the plaintiff was careless for his own safety, and, therefore, the cross-appeal on contributory negligence would be allowed. The defendants' appeal would be dismissed.

HARMAN and PEARSON, L.JJ., delivered concurring judgments. Appeal dismissed.

APPEARANCES: *Jeffreys Collinson* (*Hill, Dickinson & Co.*, Liverpool); *J. Edward Jones* (*Mawby, Barrie & Letts*, for *Silverman & Livermore*, Liverpool).

[Reported by NORMAN PRIMOST, Esq., Barrister-at-Law]

Probate, Divorce and Admiralty Division

DIVORCE: DESERTION: UNREASONABLE DELAY

***Campbell *v.* Campbell**

Wrangham, J. 5th October, 1961

Suit for divorce.

The parties were married in 1935 and in July, 1952, the husband left the wife, who in August of that year obtained a magistrates' order on the ground of desertion. Thereafter the wife took no further legal proceedings until 1959, when the husband filed a petition for divorce alleging cruelty and she filed an answer denying cruelty and cross-praying for divorce on the ground of desertion.

WRANGHAM, J., having dismissed the husband's petition, said that the wife had been entitled to institute divorce proceedings on the ground of desertion in July, 1955. She had not done so and the reason she gave was not that she was hoping the husband would return to her, but that she never gave the matter of divorce a thought. It would appear that in these circumstances the wife could be held to be guilty of unreasonable delay. There were, however, grounds for contending that the doctrine of unreasonable delay did not apply to divorce proceedings based on desertion. The desertion complained of dated from the last three years immediately preceding the filing of the answer and with respect to that period there could be no delay. But even assuming that the doctrine of unreasonable delay did apply in the case of desertion, his lordship was prepared to exercise the discretion of the court in the wife's favour and to grant her a decree nisi.

APPEARANCES: *Kemp Homer* (*John S. Stevens*, Croydon); *William Kee* (*Miller, Parris & Cornwell*, Croydon).

[Reported by Miss MARGARET BOOTH, Barrister-at-Law]

HUSBAND AND WIFE: MAINTENANCE: RE-MARRIAGE OF WIFE: WHETHER WIFE MUST REFUND PAYMENTS

Young *v.* Young

Karminski, J. 6th October, 1961

Summons adjourned into open court.

The parties were married in 1933 and in 1957 the wife obtained a decree absolute of divorce, the husband being ordered to pay her maintenance during their joint lives or until further order. Later in the same year the wife remarried but did not inform the husband of this and he continued to pay maintenance until, in 1959, he discovered the position and stopped further payments. In 1961, on the husband's application, the maintenance order was discharged as from 1959, but the registrar did not order the wife to refund the payments made to her since the date of her remarriage and from that part of the order the husband appealed.

KARMINSKI, J., said that the power of the court to vary or discharge orders for maintenance was conferred by s. 28 of the Matrimonial Causes Act, 1950, in very wide terms. But there was no duty on a former wife to disclose her

remarriage, unless specifically required to do so; although the remarriage was likely to raise the question whether her fortune had increased, it did not by itself terminate or extinguish her right to maintenance, though it might in effect reduce it. Until an order for variation was made, the former husband was bound to pay under the original order and the former wife entitled to receive such payments. There was nothing in s. 28 or in any decided case that enabled the court to order the repayments sought even though the wife had deliberately concealed her remarriage from the husband. Appeal dismissed.

APPEARANCES: *Joseph Jackson* (*W. Timothy Donovan*); *J. R. Ogilvie Jones* (*Arthur W. Kemp*).

[Reported by Miss MARGARET BOOTH, Barrister-at-Law]

Court of Criminal Appeal

SENTENCE: PRACTICE: OFFENCES TAKEN INTO CONSIDERATION: TO BE PUT AND ADMITTED ONE BY ONE

***R. *v.* Griffiths**

Finnemore, Havers and Stevenson, JJ. 21st September, 1961

Application for leave to appeal against sentence.

A boy, aged sixteen, who had had six findings of guilt against him, all for dishonesty, was in November, 1960, sent to an approved school. He absconded from the school on 6th March, and shortly afterwards was convicted before magistrates with three other youths on charges of having stolen goods to the value of about £13, and committed for sentence to quarter sessions. At the conclusion of the hearing his counsel stated that there were six outstanding offences committed by the boy while he was at liberty from the approved school, which he had admitted. The chairman then asked the police officer whether the offences had all been committed between 6th and 8th March, while the boy was absconding from the approved school, and was told that that was so. The chairman then said to the boy: "The officer says there are six offences to be taken into consideration which you admit and desire to have taken into consideration?" and the boy replied: "Yes." He was sentenced to a period of Borstal training, against which he sought to appeal.

FINNEMORE, J., giving the judgment of the court, said that the sentence was appropriate and the application for leave to appeal was refused. But the court thought it right to say that the method of dealing with the outstanding charges was quite wrong. Where outstanding charges were to be taken into account it was essential that they should be put specifically to the defendant one by one, and specifically admitted by him in open court so that there could never be any doubt later on as to which were the charges which he had admitted. In the present case, apart from speculation, the court had no idea what the charges were, except that they were all committed after 6th March. The court attached considerable importance to the correct procedure being carried out, although in this particular case it made no difference to the court's view that the sentence was proper. Application dismissed.

[Reported by Miss M. M. HILL, Barrister-at-Law]

COURT OF CRIMINAL APPEAL: ADMISSION OF FRESH EVIDENCE

R. *v.* Parks

Lord Parker, C.J., Slade and Veale, JJ. 4th October, 1961

Appeal against conviction.

The appellant was convicted of indecent assault on the uncorroborated evidence of the complainant, who identified him as her assailant. On appeal, leave was sought to call further evidence relating to the complainant's previous convictions, which had not been revealed at the trial, and to certain statements made by her expressing doubt as to identification of her assailant; it was also sought to call a witness who could describe a man, unlike the appellant, whom he had seen runing away from the place of the assault. The court gave leave to call the evidence.

LORD PARKER, C.J., said that it was only rarely that the court would allow further evidence to be called. The principles on which the court acted must be kept within narrow confines, otherwise in every case the hearing would, in effect, amount to a new trial. As the court understood it, the power under s. 9 of the Criminal Appeal Act, 1907, was wide, and it was left entirely to the discretion of the court, but the court, in the course of years, had decided the principles on which it would act in the exercise of that discretion. First, the evidence that it was sought to call must be evidence which was not available at the trial. Secondly, it must be evidence relevant to the issue. Thirdly, it must be evidence which was credible in the sense that it was well capable of belief; it was not for the court to decide whether it was to be believed or not, but it must be evidence which was capable of belief. Fourthly, the court, after considering that evidence, would go on to consider whether there might have been a reasonable doubt in the minds of the jury as to the guilt of the appellant if that evidence had been given together with the other evidence at the trial. Having heard the evidence in the case, the court found that it was evidence not available at the trial, that it was relevant and that it was credible. The court felt further that, had the evidence been given at the trial, the jury might have had a reasonable doubt on the matter of identification and it was unsafe to allow the conviction to stand. Appeal allowed.

APPEARANCES: *J. L. Clay* (*Victor Mishcon & Co.*); *W. M. F. Hudson* (*Solicitor, Metropolitan Police*).

[Reported by PIERS HERBERT, Esq., Barrister-at-Law]

PRACTICE NOTE

COURT OF CRIMINAL APPEAL

POWER TO INCREASE SENTENCE

The Court of Criminal Appeal draw attention to the fact, which is often forgotten, that they have power on an appeal against sentence not merely to decrease the sentence but to increase it. The court from time to time come across cases where in their opinion the sentence is inadequate and the court will not hesitate in appropriate cases to exercise their power to increase the sentence.

LEAVE TO APPEAL

For the future, when leave to appeal against sentence is given, whether by the single judge or by this court, the order will be:—

"Leave to appeal against sentence. Legal Aid. Counsel" or "Solicitor and Counsel"

as the case may be.

Neither the court nor the single judge will indicate the reasons for granting such leave. Further the court will discontinue the practice of treating the application when granted as the hearing of the appeal except in cases where counsel for the applicant is present and consents.

5th October, 1961.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG 0123/4.

Finchley.—E. C. LLOYD, 336 Regents Park Road, N.3. Tel. Finchley 6246/7.

Finchley and Barnet.—SPARROW & SON, Auctioneers, Surveyors and Valuers, 315 Ballards Lane, N.12. Est. 1874. Tel. HIL 5252/3.

Hammersmith.—MORTON & WATERS, 310 King Street. Valuations, Survey. Estates Managed. Tel. Riverside 1080 and 4567.

Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

Harrow.—P. N. DEWE & CO. (P. N. Dewe, F.A.L.P.A., J. Ferrari, F.R.I.C.S., F.A.I., M.R.San.I., J. Cosgrave, A.R.I.C.S., A.M.I.Struct.E.), 42 College Road. Tel.4288/90 Associated offices at Hillingdon. Established 1925.

Hendon and Colindale.—HOWARD & MANNING (G. E. Manning, F.A.L.P.A., F.V.I.), Auctioneers, Surveyors and Valuers, 218 The Broadway, West Hendon, N.W.9. Tel. Hendon 7686/8, and at Northwood Hills, Middx. Tel. Northwood 2215/6.

Hendon.—DOUGLAS MARTIN & PARTNERS, LTD. —Douglas Martin, F.A.L.P.A., F.V.A.; Bernard Roach, F.A.L.P.A.; Jeffrey Lorenz, F.V.A.; John Sanders, F.V.A.; Alan Pritchard, A.V.A., Auctioneers, Surveyors, etc., Hendon Central Tube Station, N.W.4. Tel. HEN 6333.

Hendon.—M. E. NEAL & SON, 102 Brent Street, N.W.4. Tel. Hendon 6123. Established 1919.

Ilford.—RANDALLS, Chartered Surveyors and Auctioneers (established 1884), 67 Cranbrook Road. Tel. VALentine 6272 (10 lines).

Leyton.—HAROLD E. LEVI & CO., F.A.L.P.A., Auctioneers and Surveyors, 760 Leo Bridge Road, Leyton, E.17. Tel. Leytonstone 4423/4424.

Leyton and Leytonstone.—R. CHEKE & CO., 252 High Road, E.10. Tel. Leytonstone 7733/4.

Leytonstone.—COMPTON GUY, Est. 1899, Auctioneers, Surveyors and Valuers, 55 Harrington Road. Tel. Ley 1123. And at 1 Cambridge Park, Wanstead. Tel. Wan 5148; 13 The Broadway, Woodford Green, Tel. Buc 0464.

Leytonstone.—PETTY, SON & PRESTWICH, F.A.I., Chartered Auctioneers and Estate Agents, 682 High Road, Leytonstone, E.11. Tel. LEY 1194/5, and at Wanstead and South Woodford.

Mill Hill.—COSWAY ESTATE OFFICES, 135/7 The Broadway, N.W.7. Tel. Mill Hill 2422/3422/2204.

Norbury.—DOUGLAS GRAHAM & CO., Estate Agents Property Managers, 1364 London Road, S.W.16. Tel. POL 1313/1690. And at Thornton Heath, Sutton and Piccadilly, W.1.

Putney.—QUINTON & CO., F.A.I., Surveyors, Chartered Auctioneers and Estate Agents, 153 Upper Richmond Road, S.W.15. Tel. Putney 6249/6617.

South Norwood.—R. L. COURCIER, Estate Agent, Surveyor, Valuer, 4 and 6 Station Road, S.E.25. Tel. LIVingstone 3737.

Tottenham.—HILLYER & HILLYER (A. Murphy, F.A.I., F.V.A.), Auctioneers, Surveyors, Valuers and Estate Managers, 270/2 West Green Road, N.15. Tel. BOW 3464 (3 lines).

Walthamstow and Chingford.—EDWARD CULFF & CO., F.A.L.P.A., Auctioneers and Surveyors and Estate Agents, 92 St. Mary Road, Walthamstow, E.17. Tel. COPpermill 3391. Specialists in Property Management.

Wandsworth (Borough of), Battersea and S.W. Area.—MORETON RICHES, Surveyor, Auctioneer and Valuer, House and Estate Agent, 92 East Hill, Wandsworth, S.W.18. Tel. VANdyke 4166/4167.

Wood Green.—WOOD & LOACH, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 723 Lordship Lane, N.22 (adjacent Eastern National Bus Station, close to Wood Green Tube Station). Tel. Bowes Park 1632.

PROVINCIAL

BEDFORDSHIRE

Bedford.—J. R. EVE & SON, 40 Mill Street, Chartered Surveyors, Land Agents, Auctioneers and Valuers. Tel. 67301/2.

Bedford.—ROBINSON & HALL, 15a St. Paul's Square, Chartered Surveyors. Tel. 2201/2/3.

Luton.—RICHARDSON & STILLMAN, Chartered Auctioneers and Estate Agents, 30 Alma Street, Tel. Luton 6492/3.

BERKSHIRE

Abingdon, Wantage and Didcot.—ADKIN, BELCHER & BOWEN, Auctioneers, Valuers and Estate Agents. Tel. Nos. Abingdon 1078/9. Wantage 48. Didcot 3197.

Bracknell.—HUNTON & SON, Est. 1870. Auctioneers and Estate Agents, Valuers. Tel. 23.

County of Berkshire.—TUFNELL & PARTNERS, Auctioneers, Valuers and Surveyors, Sunninghill (Ascot 1666), Windsor (Windsor 1) and Streatley (Goring 45).

Didcot and District.—E. P. MESSENGER & SON, Chartered Auctioneers and Estate Agents, etc., The Broadway. Tel. Didcot 2079.

Faringdon.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113.

Maidenhead.—L. DUDLEY CLIFTON & SON, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 32 Queen Street. Tel. 62 and 577 (4 lines).

Maidenhead, Windsor and Sunningdale.—GIDDY & GIDDY, Tel. Nos. Maidenhead 53, Windsor 73, Ascot 73.

Newbury.—DAY, SHERGOLD & HERBERT, F.A.I., Est. 1889. Chartered Auctioneers and Estate Agents, Market Place, Newbury. Tel. Newbury 775.

Newbury.—DREWEATT, WATSON & BARTON. Est. 1759. Chartered Auctioneers, Estate Agents and Valuers, Market Place. Tel. 1.

Newbury.—C. G. FOWLIE, F.R.I.C.S., F.A.I., Chartered Surveyor, 16 Bartholomew Street. Tel. 761 (2 lines).

Newbury and Hungerford.—A. W. NEATE & SONS. Est. 1876. Agricultural Valuers, Auctioneers, House and Estate Agents. Tel. Newbury 304 and 1620. Hungerford 8.

Reading.—HASLAM & SON, Chartered Surveyors and Valuers, Friar Street, Chambers. Tel. 54271/2.

Windsor and Reading.—BUCKLAND & SONS, High Street, Windsor. Tel. 48. And 154 Friar Street, Reading. Tel. 51370. Also at Slough and London, W.C.

BUCKINGHAMSHIRE

Amersham and The Chalfonts.—SWANNELL & SLY, Hill Avenue, Amersham. Tel. 73. Valuers, Auctioneers, etc.

Amersham, Chesham and Great Missenden.—HOWARD, SON & GOOCH, Auctioneers, Surveyors, and Estate Agents, Oakfield Corner, Amersham (Tel. 1430), and at Chesham 8097 and Great Missenden 2194.

Aylesbury.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 18 Market Square. Tel. 4661/3.

Aylesbury.—W. BROWN & CO., 2 Church Street. Tel. 4706/7. Urban and Agricultural practice.

Aylesbury.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 2a & 4 Temple Square. Tel. 4633/4.

Beaconsfield.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents. Opposite the Post Office. Tel. 1290/1.

Farnham Common, Nr. Slough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, The Broadway. Tel. 1062/3.

High Wycombe.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 30 High Street. Tel. 2576/9.

BUCKINGHAMSHIRE (*continued*)

High Wycombe and South Bucks.—HUNT & NASH, Chartered Surveyors and Auctioneers, 15 Crendon Street. Tel. 884/5 (and at Slough).

High Wycombe and South Bucks.—H. MORCOM JONES & CO., F.A.I., Chartered Auctioneers, 86 Easton Street. Tel. 1404/5.

North Bucks.—WOODHOUSE NEALE, SONS & CO, Estate Agents and Valuers, Estate Offices, Bletchley. Tel. 2201/2.

Princes Risborough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, High Street. Tel. 744/5.

Slough.—EDWARD & CHARLES BOWYER, Chartered Surveyors, 15 Curzon Street. Tel. Slough 20321/2.

Slough.—BUCKLAND & SONS, 26 Mackenzie St. Tel. 21307. Also at Windsor, Reading and London, W.C.1.

Slough.—HOUSEMANS, Estate and Property Managers, Surveyors, Valuers, House, Land and Estate Agents. Mortgage and Insurance Brokers, 46 Windsor Road. Tel. 25496. Also at Ashford, Middlesex.

Slough.—HUNT & NASH, Chartered Surveyors. 7 Mackenzie Street, Slough. Tel. 23295 (3 lines), also at High Wycombe.

Slough and Gerrards Cross.—GIDDY & GIDDY. Tel. Nos. Slough 23379, Gerrards Cross 3987.

CAMBRIDGESHIRE

Cambridge.—HOCKEY & SON (Est. 1885). Auctioneers and Surveyors, 8 Benett Street. Tel. 59455/6.

Cambridge and County.—WESTLEY & HUFF, Auctioneers, Surveyors and Valuers, 10 Hills Road, Cambridge. Tel. 55665/6.

CHESHIRE

Altrincham.—STUART MURRAY & CO., Auctioneers, etc., 8 The Downs. Tel. 2302/3. And at Manchester.

Birkenhead.—SMITH & SONS (Est. 1840), Auctioneers, Valuers. BIRKENHEAD (Tel. 1590); and at Liverpool.

Birkenhead and Wirral.—JAMES HARLAND & CO., Chartered Auctioneers, Chartered Surveyors and Estate Agents, Valuers, 46 Church Road, Birkenhead. Tel. 1597 (3 lines).

Chester.—BERESFORD, ADAMS & SON. (Est. 1899.) Auctioneers, Valuers and Surveyors, 22 Newgate Street. Tel. No. 23401.

Chester.—BROWNS OF CHESTER, LTD., Auctioneers, Valuers and Estate Agents, 103 Foregate Street. Tel. Chester 21495/6.

Chester.—HARPER, WEBB & CO. (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. Chester 20685.

Chester.—SWETENHAM, WHITEHOUSE & CO., Auctioneers, Estate Agents, Surveyors, Valuers, 5 St. Warburgh Street. Tel. 20422.

Congleton.—LOUIS TAYLOR & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 21 High Street. Tel. 91.

Congleton.—W. J. WHITTAKER & CO., Incorporated Auctioneers, Valuers and Estate Agents, Congleton, Cheshire. Tel. 241.

Crewe.—HENRY MANLEY & SONS, LTD., Auctioneers & Valuers, Crewe (Tel. 4301) & Branches.

Macclesfield.—BROCKLEHURST & CO., Auctioneers, Valuers, Estate Agents, King Edward Street. Tel. 2183.

Nantwich, Northwich, Winsford & Tarporley.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 1 Hospital Street, Nantwich. Tel. 65410.

Northwich.—MARSH & SON, Auctioneers, Valuers, Estate Agents, 4 Bull Ring. Tel. 2216.

Stockport.—HOPWOOD & SON (Est. 1835), Chartered Auctioneers, Valuers, Estate Agents, 69 Wellington Road South. Tel. STO 2123.

CORNWALL

County of Cornwall.—JOHN JULIAN & CO., LTD. Established 1836. Auctioneers, Valuers, Estate Agents. Offices at Newquay, Truro, Falmouth and Wadebridge.

CORNWALL (*continued*)

County of Cornwall.—RUSSELL & HAMLEY, F.A.I. (C. J. HAMLEY, F.A.I., A. W. Russell, F.A.I.), 31 Town End, Bodmin. Tel. 346.

Falmouth.—R. E. PRIOR, F.R.I.C.S., F.A.I., Chartered Surveyor and Auctioneer, 3 Market Street, Falmouth. Tel. 1224.

Mid-Cornwall.—S. A. WILSON, F.V.I., St. Austell. Tel. 743 (day and night). Valuer, Business and House Agent.

Penzance, St. Ives, West Cornwall and Isles of Scilly.—W. H. LANE & SON, F.A.L.P.A. The Estate Offices, Morrab Road, Penzance. Tel. Penzance 2286/7.

Redruth.—A. PEARSE JENKIN & PARTNERS. Est. 1760. Auctioneers, Surveyors and Valuers, Alma Place.

St. Austell and Looe.—LAMPSHIRE & NANCOLLAS, Chartered Auctioneers and Estate Agents. St. Austell 3254/5. Looe 309.

St. Austell, Lostwithiel and Liskeard.—ROWSE, JEFFERY & WATKINS, Auctioneers, Valuers, Surveyors and Estate Agents. St. Austell 3483/4. Lostwithiel 451 and 245. Liskeard 2400.

Truro, Mid and West Cornwall.—R. G. MILLER & CO., Auctioneers, Valuers and Estate Agents. Established 1934. R. G. Miller, F.V.I., A. I. Miller, A.A.I., 6 King Street. (Phone Truro 2503.)

DERBYSHIRE

Derby.—ALLEN & FARQUHAR, Chartered Auctioneers and Estate Agents, Derwent House, 39 Full Street. Tel. Derby 45645 (3 lines).

DEVONSHIRE

Axminster.—25-mile radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 2323/4.

Axminster, East Devon, South Somerset and West Dorset Districts.—R. & C. SNELL, Chartered Auctioneers, Estate Agents, Valuers and Surveyors, Axminster (Devon), Chard (Somerset) and Bridport (Dorset).

Barnstaple and N. Devon.—BRIGHTON GAY, F.A.L.P.A. Surveyors, Valuers, Auctioneers, Joy Street, Barnstaple. Tel. 4131.

Barnstaple and N. Devon.—J. GORDON VICK, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer. Tel. 4388.

Bideford and North Devon.—R. BLACKMORE & SONS, Chartered Auctioneers and Valuers. Tel. 1133/1134.

Bideford and North Devon.—A. C. HOOPER & CO., Estate Agents and Valuers. Tel. 708.

Brixham and Torbay.—FRED PARKES, F.A.L.P.A., Estate Agent, Auctioneer and Valuer, 15 Bolton Street. Tel. 2036.

Devon and Exeter.—GUY MICHELMORE & CO. Norwich Union House, Exeter. Tel. 76464/5.

Devon, Exeter and S.W. Counties.—RICKEARD, GREEN & MICHELMORE, Estate Agents, Auctioneers, Surveyors and Valuers, 82 Queen Street, Exeter. Tel. 74072 (2 lines).

Exeter.—RIPPON, BOSWELL & CO., Incorporated Auctioneers and Estate Agents, Valuers and Surveyors. Est. 1884. Tel. 59378 (3 lines).

Ilfracombe.—W. C. HUTCHINGS & CO., Incorporated Auctioneers, Valuers and Estate Agents. Est. 1887. Tel. 138.

Okehampton, Mid Devon.—J. GORDON VICK, Chartered Surveyor, Chartered Auctioneer. Tel. 22.

Paignton, Torbay and South Devon.—TUCKERS Auctioneers and Surveyors, Paignton. Tel. 59024.

Plymouth.—D. WARD & SON, Chartered Surveyors, Land Agents, Auctioneers and Valuers. (Est. 1872.) 11 The Crescent, Plymouth. Tel. 66251/4.

Sidmouth.—POTBURY & SONS, LTD., Auctioneers, Estate Agents and Valuers. Tel. 14.

(*Continued on p. xviii*)

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

DEVONSHIRE (*continued*)

Teignmouth, Shaldon, etc.—ROBT. FROST & SON (Robt. Frost, F.A.I., Chartered Auctioneer and Estate Agent). Est. 1857. 5 Regent Street, Teignmouth. Tel. 671/2.

Torquay and South Devon.—WAYCOTTS, Chartered Auctioneers and Estate Agents, 5 Fleet Street, Torquay. Tel. 4333/5.

DORSETSHIRE

Poole, Parkstone, Broadstone.—RUMSEY & RUMSEY, Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and Channel Islands.

West Dorset.—ALLEN, TAYLOR & WHITFIELD, 25 East Street, Bridport. Tel. 2929.

DURHAM

Darlington.—JAMES PRATT & SONS, F.V.I., Auctioneers, Valuers and Estate Agents, 40a High Row. Tel. 68789 (2 lines).

Darlington.—SANDERSON, TOWNEND & GILBERT, Chartered Surveyors, 92 Bondgate.

EAST ANGLIA

Norfolk-Suffolk.—THOS. WM. GAZE & SON, Crown Street, Diss. (290/291). Est. a Century. Chartered Auctioneers, Agricultural, Property and Chattel Valuers

ESSEX

Benfleet, Hadleigh and South-East Essex.—JOHN S. LLOYD & CO., Chartered Auctioneers and Estate Agents. Head Office: Estate House, Hadleigh, Essex. Tel. 58523 and 59174.

Brentwood and Mid-Essex.—HOWARD'S & CO. (BRENTWOOD), LTD., Surveyors, Valuers and Estate Agents, 143 High Street, Brentwood. Tel. Brentwood 4338.

Chelmsford, Billericay, Braintree and Maldon.—TAYLOR & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 17 Duke Street. Tel. 55561 (5 lines), Billericay Tel. 112/585, Braintree Tel. 1564/2, Maldon Tel. 88/888.

Chelmsford and Wickford.—R. COOPER HIRST, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 12 Duke Street, Chelmsford (Tel. 4534) and Market Road, Wickford (Tel. 3058).

Chelmsford and Witham.—BALCH & BALCH, Chartered Surveyors, Auctioneers and Valuers, 3 Tindal Square, Chelmsford. Tel. 51551; and Witham Tel. 3381.

Clacton-on-Sea.—DONALD COTTAGE, EAVES & CO., (Chas. W. Eaves, F.A.I., F.A.L.P.A.), 67/69 Station Road, Clacton-on-Sea. Tel. 857/8. And at Holland-on-Sea. Tel. 3270.

Colchester and District.—C. M. STANFORD & SON (Partners and Senior Personnel fully qualified members of Professional Institutes), 23 High Street, Colchester. Tel. 3165 (4 lines).

Halstead and N.E. Essex.—H. G. HUGHES & CO. (G. R. Copsey, A.V.I.), Auctioneers, Estate Agents and Valuers, 29 Chapel Street. Tel. 2519.

Hornchurch.—HAYWARD & CO., Surveyors, Valuers and Estate Agents, 163 High Street. Tel. 46635/6.

Ilford.—S. A. HULL & CO., F.A.I. (Incorporating ASHMOLES, est. 1864), Chartered Auctioneers and Estate Agents, 16 Clements Road. Tel. ILFord 4366/7, and at 404 Cranbrook Road, Gantshill. Tel. Valentine 9525.

Leigh-on-Sea.—GORDON LANE & BUTLER, Auctioneers and Surveyors, 125 Rectory Grove. Tel. 78340.

Leigh-on-Sea.—HAIR (FREDK. G.) & SON, Auctioneers and Surveyors, 1528 London Road. Tel. 78666/7.

Leigh-on-Sea, Rayleigh and Country Districts.—HAROLD W. PINCHBECK, Chartered Surveyor and Valuer (Pinchbeck, Chapman & Co.), 80 Rectory Grove, Leigh-on-Sea (75002) and High Street, Rayleigh. Tel. 24.

Maldon.—TAYLOR & CO., Chartered Auctioneers and Estate Agents. 9 London Road. Tel. 88/888.

Romford and District.—R. CHEKE & CO., 4 North Street, Hornchurch, Essex. Hornchurch 43423/4 and branches.

Romford, Upminster and District.—HILBERY CHAPLIN & CO., Chartered Auctioneers, Estate Agents and Surveyors, 135 South Street, Romford (Tel. Romford 45004) and 42 Station Road, Upminster (Tel. Upminster 2866).

Southend-on-Sea and S.E. Essex.—TAYLOR, SON & DAVIS, Auctioneers and Surveyors, 37 Victoria Avenue, Tel. Southend 41201 (3 lines). And at Westcliff-on-Sea and Leigh-on-Sea.

Southend, Westcliff and Country Districts.—H. V. & G. SORRELL, Chartered Surveyors, Auctioneers and Estate Agents, 40 Clarence Street, Southend. Tel. Southend 42225. And at High Street, Rayleigh.

Southend, Westcliff and South East Essex.—TALBOT & WHITE, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, Established 1885. 34 Clarence Street, Southend-on-Sea. Tel. Southend 48137/8, and 29 and 31 Hamlet Court Road, Westcliff-on-Sea. Tel. Southend 47821/2.

Woodford.—MARK LIELL & SON, Chartered Surveyors, 9 High Road, Woodford Green. Tel. Buckhurst 0181, and East Ham.

GLOUCESTERSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., Incorporating FORTT, HATT & BILLINGS (Est. 1903). Surveyors, Auctioneers and Estate Agents, Special Probate Department New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Bristol.—C. J. HOLE & SONS (Est. 1867), 70 Park Row, Bristol, 1. Auctioneers, etc. Tel. 24324 (4 lines).

Bristol.—LALONDE, BROS. & PARHAM (Est. 1848), 64 Queens Road. Tel. 27731 (8 lines). And at Weston-super-Mare.

Bristol.—JOHN E. PRITCHARD & CO. (Est. 1785), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 82 Queen Road, Bristol, 8. Tel. 24334 (3 lines).

Bristol, Somerset and Gloucester.—ALDER, STANLEY & PRICE (Established 1911), Valuation Consultants, 7 St. Stephen's Street, Bristol, 1. Tel. 20301. A. Oliver Perkins, F.R.I.C.S., F.A.I., P.P.I.S.A.L.P.A., R. B. Kislingbury, F.R.I.C.S., F.A.I., A. E. Sutor, F.A.L.P.A., W. H. Mapley, A.R.I.C.S., A.R.V.A., F.A.L.P.A., Auction and Estate Offices, 94E Whiteladies Road, Clifton and Redfield.

Bristol and the West of England.—J. P. STURGE & SONS (Established 1760), Surveyors, Land Agents and Auctioneers, 24 Berkeley Square, Bristol, 8. Telephone: 26691 (5 lines).

Cheltenham.—G. H. BAYLEY & SONS, Chartered Auctioneers and Estate Agents, Valuers, 27 Promenade. Tel. 2102. Established in Cheltenham over a century.

Cheltenham.—VIRGIN & RICHARDS, LTD., F.V.I., Incorporated Valuers and Estate Agents, 3 Clarence Parade. Tel. 56351.

Cheltenham.—YOUNG & GILLING (J. T. Walford, A.R.I.C.S., A. W. Allard, F.A.L.P.A.), Auctioneers, Surveyors and Valuers. Established over a century. 3 Crescent Terrace, Cheltenham. Tels. 2129 and 2433.

Cirencester.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Cirencester 62/63.

Gloucester.—SANDOE & SONS, Chartered Auctioneers and Estate Agents, Valuers, 4/5 Market Parade.

HAMPSHIRE

Aldershot, Farnborough, Fleet, Hartley Wintney, Alresford and Winchester.—ALFRED PEARSON & SON (established 1900), Surveyors, Valuers, Auctioneers and Estate Agents.
136 Victoria Road, Aldershot (Tel. Aldershot 17);
Clock House, Farnborough (Tel. Farnbor. 1—2 lines);
Fleet Road, Fleet (Tel. Fleet 1066—3 lines);
High St., Hartley Wintney (Tel. Hartley Wintney 233);
25 West Street, Alresford (Tel. Alresford 274);
Walcote Chambers, High Street, Winchester (Tel. Winchester 3388—2 lines).

Aldershot and Surrey and Hants Borders.—KINGHAM & KINGHAM, Auctioneers, Estate Agents, Surveyors and Valuers, Bank House, Grosvenor Road, Aldershot. Tel. 23353.

Alresford.—CUBITT & WEST. Tel. 335. Valuers, Surveyors, Estate Agents.

Alton.—EGGAR & CO., Incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, Ackender House. Tel. 2401/2. And at Farnham, Surrey, and Basingstoke.

Andover.—F. ELLEN & SON, Land Agents, Auctioneers, Valuers and Surveyors. London Street. Tel. 3444 (2 lines). Established 1845.

Basingstoke.—BATESON & NICHOLAS, Auctioneers, Estate Agents, Surveyors and Valuers, 2 Queens Parade (next G.P.O.), New Street. Tel. 566.

Basingstoke.—EGGAR & CO., Incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 36 Winchester Street. Tel. 2255/6. And at Farnham, Surrey and Alton.

Basingstoke.—SIMMONS & SONS, Surveyors, Valuers, Estate Agents and Auctioneers. Tel. 199.

Bournemouth.—FOX & SONS, Surveyors, Valuers and Auctioneers, 44/52 Old Christchurch Road. Tel. Bournemouth 6300 (10 lines). Branch Offices in all Bournemouth districts and at Parkstone, Ringwood, New Milton, Southampton, Brighton and Worthing.

Bournemouth.—RUMSEY & RUMSEY. Head Office, 111 Old Christchurch Road. Tel. Bournemouth 21212. 14 Branch Offices in Hants and Dorset and the Channel Islands.

Fleet.—H. J. POULTER & SON, Estate Agents, Surveyors and Valuers. Central Estate Offices. Tel. 86.

Gosport.—LAWSON & CO., F.V.I., Estate Agents, Valuers, etc. 9 Brockhurst Road. Tel. 83303 (2 lines).

Gosport.—L. S. VAIL, F.R.I.C.S., Chartered Surveyor. 79 High Street. Tel. 8732.

Havant, Cosham, Portsmouth, Hayling Island.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, 5 West Street, Havant (Tel. 1244/5.) 82 High Street, Cosham. (Tel. 76427/8.) Elm Grove, Hayling Island (Tel. 77131 and 77148.)

Lymington and Milford-on-Sea.—JACKMAN AND MASTERS (Est. 1886). Auctioneers, Valuers, etc. Tel. Lymington 3292/3.

Lymington and New Forest.—HEWITT & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. High Street. Tel. Lymington 2393/4.

New Milton and Barton-on-Sea.—HEWITT & CO., F.A.I. New Milton. Tel. 43.

HAMPSHIRE (*continued*)

Petersfield.—CUBITT & WEST. Tel. 213. Valuers, Surveyors, Estate Agents.

Portsmouth.—P. G. LUDLOW, Angerstein Road, North End. Tel. 61441/2.

Southampton.—PRING & CO., F.A.I., 40 The Avenue. Tel. 22171/2.

Southampton and New Forest.—DRIVERS, JONAS & CO. (Est. 1725), incorporating Waller & King, Chartered Surveyors, Land Agents, Auctioneers and Estate Agents, 17 Cumberland Place, Southampton. Tel. Southampton 24545.

Winchester.—SAVAGE & WELLER, Surveyors, Auctioneers, Valuers and Estate Agents, 25 St. Thomas Street, Winchester. Tel. Winchester 2531.

HEREFORDSHIRE

Hereford.—GREENLANDS, LTD., Auctioneers, Estate Agents, Valuers. Church Street. Tel. 2366 (4 lines).

HERTFORDSHIRE

All W. Herts, S. Bucks.—(Messrs.) J. GIBSON CRACKNELL, Surveyors and Valuers, Est. 1897. 59 Whippendell Road, Watford. Tel. 29205.

Berkhamsted and Hemel Hempstead.—R. J. AITCHISON, F.A.I., M.R.San.I.

Cheshunt, Cuffley, Waltham Cross and District.—ROBERT TIDEY & SON, Waltham Cross. Tel. 22964.

Hertford.—NORRIS & DUVALL, F.R.I.C.S., F.A.I., 106 Fore Street, Tel. 2249.

Hitchin.—J. R. EVE & SON, 5 Bancroft. Surveyors, Land Agents, Auctioneers and Valuers. Tel. 2168.

N. Herts and S. Beds.—W. & H. PEACOCK, Chartered Surveyors. 8 High Street, Baldock, Herts. Tel. 2185.

Rickmansworth, Chorleywood.—SWANNELL & SLY, 53 High Street, Rickmansworth. Tel. 3141. Valuers, Auctioneers, etc.

Tring, Hemel Hempstead and Berkhamsted.—W. BROWN & CO., Urban and Agricultural practice. Head Office: 41 High Street, Tring. Tel. 2235/6.

ISLE OF WIGHT

Bembridge, Cowes, Freshwater, Newport, Ryde, Sandown, Shanklin, Seaview, Ventnor and Yarmouth.—SIR FRANCIS PITTIS & SON, Chartered Surveyors and Chartered Auctioneers.

Cowes, Newport and all Districts.—A. E. & S. C. WADHAM, F.A.L.P.A. (Est. 1860), Cowes. Tel. 1141 (2 lines).

Newport, Ryde, Freshwater, Sandown, Bembridge.—WAY, RIDDETT & CO.

KENT

Ashford.—GEERING & COLYER, Auctioneers, Surveyors and Estate Agents, Bank Chambers, Ashford, and at Hawkhurst and Tunbridge Wells, Kent; Rye, Wadhurst and Heathfield, Sussex.

Beckenham.—CHRISTOPHER B. CURTIS, M.B.E., Surveyor and Valuer, 257a Croydon Road. Tel. BECkenham 1000.

Beckenham.—JOLLYE & WOOD, 4 The Broadway, Croydon Road. Tel. Beckenham 1430.

Bexleyheath.—ARTHUR KENT & CO., LTD., Surveyors, Valuers and Estate Agents. 124/6 Broadway. Tel. 1244/5.

Bromley.—WATERER & DICKINS, Chartered Surveyors, Chartered Auctioneers & Estate Agents, Valuers, 133 High Street, Bromley, Kent. Telephone RAVensbourne 0147/8.

Canterbury.—FARQUHARSON & MILLARD, F.R.I.C.S., F.A.I., 80 Castle Street, Canterbury. Tel. 4861/2.

East Kent.—WORSFOLD & HAYWARD, offices at 3 Market Square, Dover; 11 Queen Street, Deal; 4 St. Margaret's Street, Canterbury; and 12 Preston Street, Faversham. Established 1835.

Folkestone.—GEO. MILNE & CO., Auctioneers and Valuers, 107 Sandgate Road. Tel. 3619.

Folkestone.—TEMPLE, BARTON, LTD., F.A.L.P.A., 69 Sandgate Road. Tel. 2258/9.

Folkestone and District.—BANKS & SON (P. R. Bean, F.R.I.C.S., F.A.I.), Chartered Surveyors, Chartered Auctioneers, etc., 6 Bouverie Square, Folkestone. Tel. 4509/3559.

Folkestone and District.—SMITH-WOOLLEY & CO., Chartered Surveyors, Chartered Land Agents, Valuers, Estate Agents, Manor Office. Tel. 51201/2.

Gravesend and Dartford.—PORTER, PUTT AND FLETCHER, F.A.I., Incorporating DANN & LUCAS. Tel. Gravesend 388 and Dartford 3326.

Gravesend and District.—WINNETT, Auctioneers, Estate Agents and Valuers, 155 Milton Road. Tel. Grav. 2229.

Herne Bay.—E. IGGULDEN & SONS (B. Smith, A.R.I.C.S., A.A.I., L. Pilcher), Surveyors, Valuers and Auctioneers, 128 High Street. Tel. 619/620.

Hythe, Saltwood, Romney Marsh and District.—F. W. BUTLER, 86 High Street, Hythe. Tel. 66608.

Maidstone and District.—COUCHMAN & SON, Chartered Surveyors, Chartered Auctioneers and Estate Agents, 42 King Street. Tels. 2558 and 2591.

Maidstone and Mid-Kent.—EVENS & MATTA, A.A.I., M.R.S.H., 70 King Street, Maidstone. Tel. 51283.

Orpington, Petts Wood and West Kent.—MULLOCK (A. F.) & GOWER (A. F. Mullock, J.P., F.A.L.P.A., C. H. Gower, F.A.I.), 161 High Street, Tel. Orp. 25681/2. And Station Square, Petts Wood. Tel. Orp. 23444.

(*Continued on p. xix*)

IN WESTMINSTER AND WHITEHALL

STATUTORY INSTRUMENTS

Aberdeen County Council (Gartly) Water Order, 1961. (S.I. 1961 No. 1848 (S.110).) 6d.

Building Societies (Authorised Investments) (Amendment) Order, 1961. (S.I. 1961 No. 1823.) 6d.

This order, in operation on 1st October, 1961, amends the Building Societies (Authorised Investments) Order, 1960 (S.I. 1960 No. 2091), which prescribed the manner in which building societies may invest their funds not immediately required for their purposes, primarily so as to permit such societies to invest their funds on loan or deposit with certain authorities having a character similar to local authorities, and secondarily in some minor respects.

Certificates of Arrest and Surrender of Deserters and Absentees (Air Force) (Amendment) Regulations, 1961. (S.I. 1961 No. 1837.) 6d.

Charities (Registration) (Commencement No. 2) Order, 1961. (S.I. 1961 No. 1867.) 6d. See pp. 832, 850, *ante*.

County of Inverness (Hamra River, Glendale, Skye) Water Order, 1961. (S.I. 1961 No. 1866 (S.111).) 6d.

East Africa (High Commission) (Special Provisions) Order in Council, 1961. (S.I. 1961 No. 1829.) 6d.

East Worcestershire Water (Financial Provisions) Order, 1961. (S.I. 1961 No. 1836.) 6d.

Family Allowances, National Insurance and Industrial Injuries (European Interim Agreement) Amendment Order, 1961. (S.I. 1961 No. 1833.) 6d.

Films (Exhibitors) Regulations, 1961. (S.I. 1961 No. 1824.) 7d.

Films (Registration) (Amendment) Regulations, 1961. (S.I. 1961 No. 1826.) 6d.

Films (Registration of Newsreels) Regulations, 1961. (S.I. 1961 No. 1825.) 7d.

Films (Renters' Licences) Regulations, 1961. (S.I. 1961 No. 1827.) 6d.

Foreign Compensation (Roumania) Order, 1961. (S.I. 1961 No. 1832.) 9d.

Import Duties (Temporary Exemptions) (No. 6) Order, 1961. (S.I. 1961 No. 1839.) 2s. 4d.

Import Duty Drawbacks (No. 9) Order, 1961. (S.I. 1961 No. 1838.) 6d.

Kenya (Land) (Amendment) Order in Council, 1961. (S.I. 1961 No. 1830.) 6d.

Lincoln Corporation Water Order, 1961. (S.I. 1961 No. 1811.) 6d.

London (Waiting and Loading) (Restriction) (Amendment) (No. 5) Regulations, 1961. (S.I. 1961 No. 1807.) 9d.

London Parking Zones (Waiting and Loading) (Restriction) (Amendment) (No. 6) Regulations, 1961. (S.I. 1961 No. 1796.) 1s.

London Traffic (Prescribed Routes) (Barnet) Regulations, 1961. (S.I. 1961 No. 1859.) 5d.

London Traffic (Prescribed Routes) (Chelsea and Westminster) Regulations, 1961. (S.I. 1961 No. 1868.) 5d.

London Traffic (Prescribed Routes) (Coulsdon and Purley) (No. 2) Regulations, 1961. (S.I. 1961 No. 1794.) 5d.

London Traffic (Prescribed Routes) (Croydon) (No. 4) Regulations, 1961. (S.I. 1961 No. 1795.) 6d.

London Traffic (Prohibition of Waiting) (Gravesend) Regulations, 1961. (S.I. 1961 No. 1841.) 6d.

Metropolitan Water Board (Extension of Time) (No. 3) Order, 1961. (S.I. 1961 No. 1864.) 5d.

National Health Service (Travelling Allowances, etc.) (Scotland) Amendment (No. 2) Regulations, 1961. (S.I. 1961 No. 1805 (S.108).) 6d.

National Insurance (European Interim Agreement) Amendment Order, 1961. (S.I. 1961 No. 1834.) 6d.

Naval Discipline (Commonwealth Navies) (Amendment No. 2) Order, 1961. (S.I. 1961 No. 1828.) 5d.

New Hebrides Order in Council, 1961. (S.I. 1961 No. 1831.) 1s.

Orkney County Council (Hodlinns Water) Water Order, 1961. (S.I. 1961 No. 1847 (S.109).) 6d.

Personal Injuries (Civilians) (Amendment) (No. 2) Scheme, 1961. (S.I. 1961 No. 1801.) 6d.

Police (No. 3) Regulations, 1961. (S.I. 1961 No. 1810.) 6d.

Preston and District Water Board Order, 1961. (S.I. 1961 No. 1812.) 5d.

Public Authorities (Allowances) Act, 1961 (Commencement) Order, 1961. (S.I. 1961 No. 1822 (C.16).) 5d.

Road Vehicles Lighting (Amendment) Regulations, 1961. (S.I. 1961 No. 1849.) 7d.

Stopping up of Highways Orders, 1961:—

County Borough of Barnsley (No. 5). (S.I. 1961 No. 1850.) 6d.

County Borough of Blackburn (No. 1). (S.I. 1961 No. 1806.) 6d.

County of Cornwall (No. 6). (S.I. 1961 No. 1851.) 6d.

County of Derby (No. 10). (S.I. 1961 No. 1853.) 6d.

County of Gloucester (No. 12). (S.I. 1961 No. 1852.) 6d.

County of Hertford (No. 7). (S.I. 1961 No. 1855.) 6d.

City and County Borough of Leeds (No. 8). (S.I. 1961 No. 1856.) 6d.

City and County Borough of Leeds (No. 9). (S.I. 1961 No. 1857.) 6d.

County of Lincoln—Parts of Lindsey (No. 9). (S.I. 1961 No. 1840.) 6d.

City and County Borough of Liverpool (No. 5). (S.I. 1961 No. 1854.) 6d.

London (No. 41). (S.I. 1961 No. 1817.) 6d.

County of Salop (No. 6). (S.I. 1961 No. 1858.) 6d.

County of the Soke of Peterborough (No. 1). (S.I. 1961 No. 1818.) 6d.

County of York, North Riding (No. 3). (S.I. 1961 No. 1819.) 6d.

Tribunals and Inquiries (Isle of Man) Order, 1961. (S.I. 1961 No. 1835.) 6d.

Warrington Water Order, 1961. (S.I. 1961 No. 1865.) 9d.

SELECTED APPOINTED DAYS

October

1st
- Building Societies (Authorised Investments) (Amendment) Order, 1961. (S.I. 1961 No. 1823.)
- Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations, 1961 (S.I. 1961 No. 1587), reg. 3.
- National Health Service (Superannuation) Regulations, 1961. (S.I. 1961 No. 1441.)
- Patents (Amendment No. 2) Rules, 1961. (S.I. 1961 No. 1619).
- Public Authorities (Allowances) Act, 1961, ss. 4, 5, 6.

2nd
- Agricultural Land Tribunals (Amendment) Order, 1961. (S.I. 1961 No. 1755.)
- Criminal Justice Act, 1961, ss. 8–12, 14–19, 21–24, 26–33 (*except* s. 32 (2) (*d*), (3)), 35–43 (*except* s. 41 (4)), Scheds. II, IV (in part), V (in part).
- Registration of Title (City of Manchester) Order, 1961. (S.I. 1961 No. 582.)
- Registration of Title (City of Salford) Order, 1961. (S.I. 1961 No. 583.)
- Summary Jurisdiction (Children and Young Persons) Rules, 1961. (S.I. 1961 No. 1421 (L.4).)

6th
- Income Tax (Employments) (No. 9) Regulations, 1961. (S.I. 1961 No. 1596.)

POINTS IN PRACTICE

Questions, which can only be accepted from practising solicitors who are subscribers either directly or through a newsagent, should be addressed to the "Points in Practice" Department, The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. They should be brief, typewritten in duplicate, and accompanied by the name and address of the sender on a separate sheet, together with a stamped addressed envelope. Responsibility cannot be accepted for the return of documents submitted, and no undertaking can be given to reply by any particular date or at all

Publicity for Elusive Debtors

Q. A debtor is proving extremely elusive and evasive. Can you see any legal objection to the creditor swearing an affidavit on the following lines (any amendments would be welcome) and inserting it in the local paper: "The defendant owes me the sum of £*x* in respect of ——. Judgment was signed in default of defence in the county court. It was not satisfied. When execution was issued it was claimed that the goods and the house were in the wife's name. When the inquiry agent called in March the plaintiff said he had been off work owing to sickness since Christmas. A further judgment summons was returned in July marked 'Not served because the defendant's wife states that he left this address at Christmas.' No part of the debt has been paid."

A. From the court's point of view, we can see no objection to publishing a statement on these lines. Provided that everything stated is true there could be no question of a successful libel action, though there might be a prosecution for criminal libel. Since the notice is clearly malicious and since the newspaper itself could not be certain of its truth, we think that in practice it would refuse to accept it for publication.

Private Company—Formation—Control—Equality

Q. I have been consulted on several occasions in connection with the formation of small private companies, where the intention was that the new company should virtually form a partnership between an individual, who had previously been carrying on a private business in his sole name, and a large existing company carrying on the same line of business. In these cases the individual trader, whom we will call Mr. *X*, has insisted that he should have complete equality with the limited company (which we will called *Z*, Ltd.) with whom he was going into business to form a new company (which we will call *XZ*, Ltd.). So strong have Mr. *X's* fears been that he would be dominated by *Z*, Ltd., in the new company that he has declined to agree to *Z*, Ltd. (who would be the only other shareholder with Mr. *X* in *XZ*, Ltd.) ever being able to outvote him by virtue of a casting vote at either a company meeting or a directors' meeting.

In the case with which I am at present dealing, the memorandum and articles have been so drawn that the chairman can have no casting vote either at a company meeting or at a directors' meeting. The position therefore is that Mr. *X* and *Z*, Ltd., must be unanimous in all their decisions about the activities of the new company *XZ*, Ltd., as neither of them will ever be in a position to overrule the other. The background to this arrangement is that Mr. *X* is very well established in the town where he carries on business, and has a good connection, and *Z*, Ltd., are very anxious to form a new company with him to make use of his connection to find an outlet for their own goods in this area. Mr. *X* is quite happy with this arrangement, so long as he is not reduced to the junior partner status. While there is admittedly the risk of a stalemate, which could only be resolved by an application to the court for a winding up of *XZ*, Ltd., if difficulties arose between the two sides, this would appear to be a lesser risk than that one party to the arrangement should one day be able to manœuvre the other party into a position where, by use of his casting vote, he could dominate the policy of the new company. I do not see what other arrangement can be come to in these circumstances. *XZ*, Ltd., is virtually a partnership. Can you (*a*) suggest any other way in which Mr. *X's* anxieties might be allayed and his interests protected when going into business with a bigger firm in the way indicated above, and (*b*) suggest any other way in which, if a stalemate arises, it could be overcome otherwise than by application to the court to wind up the company?

A. This is a familiar problem in the case of private companies. To answer the second question first, we do not consider that there is any way, apart from application to the court, to resolve a deadlock if the complete equality envisaged by the question is achieved. We do not think there is any complete answer to the problem of protecting *X* if *Z*, Ltd., is given a larger interest than his, but the following suggestions may help in some cases: (1) If *X* has more than 25 per cent. of the shares he can prevent the passing of a special resolution and therefore prevent the articles being altered at any time without his consent. Bearing this in mind, special clauses can be inserted in the articles to protect him; for example, provisions as to the way in which the business is to be carried on, general lines of policy and restrictions against competition with other businesses in which *X* may be interested. (2) Sometimes the parties can agree on an outsider in whom they both have confidence being appointed chairman. Such a person, who might well be a professional man, would then have the function of acting as referee if any serious difference arose. (3) It must be remembered that there is a difference between control of the board and control in general meeting. If *X* had a casting vote as a director this would give him control of administrative matters, and he might agree to *Z*, Ltd., having 51 per cent. of the shares, especially if he also had a service agreement for a certain period. (4) The creation of different classes of shares may help. For instance, the rights can be arranged so that one party has the right to the larger dividend while the other has the superior voting power.

Estate Duty—Death Benefit under Co-operative Society Scheme

Q. We act for the administrators of *R*, deceased. The deceased was a member of the local co-operative society, which runs a death benefit scheme. The deceased's estate received a payment under this scheme and the Estate Duty Office are claiming duty on this amount. The administrators are contesting this claim by the Estate Duty Office because reg. 8 of the scheme provides: "It must be distinctly understood that the Society enter into no contract of assurance and that benefits under this scheme are not purchased by any payment of premium made by the members, but are entirely at the discretion of the Society and of the nature of a free gift, therefore the Society reserve the right to settle any dispute which may arise, and any decision thereon shall be final." The Estate Duty Office point out, however, that reg. 9 of the scheme provides: "Claims can only be paid to the legal representative of a deceased member," and go on to claim as a result of this regulation that the deceased was competent to dispose of the payment made under the scheme and such money therefore forms part of the deceased's free estate. Do you consider that the payment under the co-operative society scheme to the deceased estate should bear estate duty?

A. The question seems to us to be whether the personal representatives were entitled to the benefit as of right. If they were, duty is payable under s. 2 (1) (*a*) of the Finance Act, 1894. The Estate Duty Office will probably say that reg. 8 is merely directed to the settling of disputes and that, taking the scheme as a whole, the personal representatives have an enforceable right. On the other hand it seems to us to be arguable that reg. 8 does in fact prevent any right arising in favour of the representatives, and that on ordinary principles of contract law there was no binding agreement because the scheme negatives any intention to create legal relations (*Rose and Frank* v. *Crompton* [1925] A.C. 445). If this can be established then, in our opinion, there is no claim to duty, and reg. 9, which is permissive, certainly does not by itself seem to be conclusive in favour of the Estate Duty Office. A claim to duty under s. 2 (1) (*d*) would equally be incompetent, because it could not be said that the deceased "purchased or provided" anything.

"THE SOLICITORS' JOURNAL"

Editorial, Publishing and Advertisement Offices: Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Telephone: CHAncery 6855.

Annual Subscription: Inland £4 10s., Overseas £5 (postage 13s. 4d. extra) (payable yearly, half-yearly or quarterly in advance).

Classified Advertisements must be received by first post Wednesday.

Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

KENT (*continued*)

Ramsgate.—LESLIE HOGBIN, F.R.I.C.S., Chartered Surveyor, Auctioneer, Valuer and Estate Agent, 50 Queen Street. Tel. Thanet 53222/3.

Ramsgate and District.—HOLNESS & OVENDEN, F.A.I., Chartered Auctioneers and Estate Agents, Valuers and Surveyors. Estate House, 73 High Street Ramsgate. Tel. Thanet 52206/7. Established 1838.

Sandwich and East Kent.—G. C. SOLLEY & CO. Offices: 50 King Street, Sandwich. Tel. 3227.

Sevenoaks.—KEMP & THOMAS, F.A.L.P.A., Estate Agents and Valuers. 11a London Road (Tel. 2916).

Tenterden and the Weald of Kent.—HATCH AND WATERMAN, F.A.I. (Est. 1830), Chartered Auctioneers and Estate Agents. Tenterden. Tel. 33.

Tonbridge and District.—NEVE & SON, F.A.I., 146 High Street, Tonbridge. Tel. 3223.

Tunbridge Wells.—DILNOTT STOKES, Chartered Surveyors and Auctioneers, 17 Mount Pleasant. Tel. 3000/1.

Welling.—WM. PORTER & CO., LTD., 28 Falconwood Parade, The Green. Tel. Bexleyheath 2977.

Westgate-on-Sea.—BENEFIELD & CORNFORD, Town Hall Buildings. Thanet 31010.

LANCASHIRE

Blackpool and District.—AIREYS', Chartered Auctioneers and Estate Agents, Valuers and Surveyors, 18 Dickson Road, Blackpool. Tel. 22225/6.

Blackpool and Fylde Coast.—J. ENTWISTLE & CO., Auctioneers, Valuers and Estate Agents, Station Chambers, 2 Dickson Road, Blackpool. Tel. 20093/4.

Grange-over-Sands.—MICHAEL C. L. HODGSON, Auctioneers and Valuers. Tel. 2253.

Liverpool.—BOULT, SON & MAPLES, 5 Cook Street. Tel. Central 9941 (7 lines). And at West Kirby.

Liverpool.—SMITH & SONS (Est. 1840), Valuers, etc., 6 North John Street, Central 9386. And at Birkenhead.

Liverpool and District.—JOS. RIMMER & SON, 14/20 South Castle Street, Liverpool, 1. Tel. MARitime 1066, and at Birkenhead and Ellesmere Port. Chartered Surveyors, Auctioneers and Estate Agents.

Liverpool and Wirral.—T. MARTIN BROWN, F.A.I., Valuer & Estate Agent, Coopers Buildings, Church Street, Liverpool, 1. Tel. Royal 3373/4 and 3 Garston Old Road, Liverpool, 19. Tel. Garston 358.

Manchester.—ALFRED H. GARDNER & SON, F.A.I., Chartered Auctioneers and Estate Agents, 56 Mosley Street. Tel. Central 8985/6. And at Cheadle Hulme.

Manchester.—CLAYTON, SON & CROWTHER, Auctioneers, Valuers and Estate Agents, 76 Mosley Street, Manchester, 2. Tel. Cen. 4943/4.

Manchester.—STUART MURRAY & CO., Auctioneers, etc., 64a Bridge Street. Tel. Blackfriars 5747. And at Altrincham.

Manchester and Oldham.—LESLIE D. CLEGG MORGAN & CO., Chartered Surveyors, Specialists in Town Planning, Rating and Compensation, Prudential Buildings, Union Street, Oldham. Tel. MAin (Oldham) 6401/3. And at 65 Princess Street, Manchester, 2. Tel. Central 7755.

Preston.—E. J. REED & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 47 Fishergate. Tel. 3249.

Rochdale.—ROSSALL, DALBY & PARKER, Auctioneers and Valuers, 5 Backwater Street. Tel. 3677.

Rochdale and District.—R. BIRTWELL & SON, Chartered Auctioneers and Estate Agents, Valuers, 5 Baillie Street. Tel. 2826.

Rochdale and District.—SHEPHERD LUMB & CO., Auctioneers, etc. The Public Hall, Baillie Street. Tel. 3826.

LEICESTERSHIRE

Leicester.—DONALD BOYER, F.A.I., Chartered Auctioneer & Estate Agent, Valuer-Mortgage, Probate Insurance, Northampton Street. Tel. 21564 (and Rugby).

Leicester and County.—RANDLE & ASPELL (F. E. J. Randle, F.V.I., C. G. Hale, F.A.I., A.A.L.P.A., G. H. Aspell, A.R.I.C.S., F.A.I., M.R.San.I.), 74 Halford Street. Tel. 5137/8.

Market Harborough.—HOLLOWAY, PRICE & CO., Est. 1809. Chartered Surveyors, Chartered Auctioneers. Tel. 2411.

LINCOLNSHIRE

Grantham and District.—BAILEY & AMBLER, Chartered Auctioneers and Estate Agents, Westminster Bank Chambers, Grantham, Lincs. Tel. 418 (2 lines).

Scunthorpe and District.—SPILMAN, GLASIER AND LONSDALE, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 72 Mary Street, Scunthorpe. Tel. 3803. Est. over 75 years.

Spalding.—S. & G. KINGSTON, F.A.I., Auctioneers, etc., Hall Place Chambers. Tel. 2011.

MIDDLESEX

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG 0123/4.

Enfield and North London.—CAMPION & DICKINS, Surveyors, Valuers, etc., 28 Little Park Gardens, Enfield. Enfield 1224/5.

Harrow.—CORBETT ALTMAN & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 40 College Road, Harrow. Tel. Harrow 6222. Also Rating, Compensation and Planning Surveyors.

MIDDLESEX (*continued*)

Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

Harrow.—P. N. DEWE & CO., See "London Suburbs" Section. Established 1925.

Harrow.—WARNER & CO. (T. A. Warner, F.A.L.P.A.), Surveys, Valuations, etc., Specialists in Urban Estate Management, 51 Station Road, North Harrow. Tel. Harrow 9636/7/8.

Harrow.—G. J. HERSEY AND PARTNER, Chartered Auctioneers and Surveyors, 44 College Road, Harrow, Middlesex. Telephone No.: Harrow 7484/7441 and at Prudential Chambers, Grey Friars, Leicester. Telephone No. Leicester 57077.

Harrow and District.—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 202 Northolt Road, S. Harrow. (Tel. Byron 1023 (5 lines)), and 15 College Road, Harrow (Tel. Harrow 5178 (3 lines)). Also at Ruislip and Pinner.

Hayes.—KEVIN & FIELD, LTD. (Lister S. Camps, F.F.S. F.V.I., M.R.S.H.), Grange Chambers, Uxbridge Road. Tel. Hayes 3691/2.

Hounslow.—ROPER, SON & CHAPMAN, Auctioneers, Surveyors, etc., 162 High Street. Tel. HOU 1184.

Moor Park and Northwood.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, MOOR PARK ESTATE OFFICE, Moor Park Station, Northwood. Tel. Northwood (NH2) 4131. And at Harrow, North Harrow and Sudbury, Wembley.

Northwood.—GILBERT LUCK, F.A.L.P.A., Surveyors and Valuers, 58 Green Lane, Northwood. Tel. 2352/3/4, and 111 Pinner Road, Northwood Hills.

Northwood and Pinner.—SWANNELL & SLY, 3 Maxwell Road, Northwood. Tel. 19. Valuers, Auctioneers, etc.

Pinner and District.—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 2 High Street, Pinner. PINner 7727 and 7800. Also at South Harrow, Harrow and Ruislip.

Pinner (Hatch End).—BRODIE, MARSHALL & CO., Auctioneers, Valuers and Estate Agents, 339 Uxbridge Road, Hatch End. Telephone Hatch End 2238 and 2239

Ruislip and District.—BARR & MEAD (C. Grainger, F.A.L.P.A., M.R.San.I.), 108 High Street, Ruislip. Tel. Ruislip 2215 and 4583. Also at South Harrow, Harrow and Pinner.

Ruislip, Ickenham and District.—JOHN MEACOCK AND CO., 123/125 High Street, Ruislip. Tel. Ruislip 3072/3/4. And opposite the Church, Ickenham. Tel. Ruislip 5526 and 9824.

Southall and Greenford.—AUSTIN FARR & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 11 South Road, Southall. SOU 6555 (5 lines). 45 The Broadway, Greenford. WAX 4642/4438.

Wembley Park.—LLOYDS (Principal D. J. Westmore, F.R.I.C.S., M.R.San.I.), Chartered Surveyors, Auctioneers and Valuers, 13 Bridge Road. Tel. Arnold 1123/4

West Drayton and Yiewsley.—R. WHITLEY & CO., Chartered Auctioneers and Estate Agents, 40 Station Road. Tel. W. Drayton 2185.

NORFOLK

Cromer.—R. J. WORTLEY, F.R.I.C.S., Chartered Surveyor, etc., 15 Church Street. Tel. Cromer 2069.

Norwich.—ALDRIDGE & PARTNERS, 22 Surrey Street, Surveyors and Estate Agents. Tel. Norwich 28517/8.

Norwich.—CLOWES, NASH & THURGAR, Est. 1848 (H. M. Thurgar, F.A.I., R. F. Hill, F.A.L.P.A., C. M. Thurgar, A.A.I.), 6 Tombland. Tel. 27261/2.

Norwich.—J. E. TAYLOR, Auctioneer and Estate Agent, 25 Tombland. Tel. 26638.

Norwich and East Anglia.—K. H. FIELDING & SON (J. L. Fielding, F.R.I.C.S., F.A.I.), Chartered Surveyors, etc., 1 Upper King Street, Norwich. Tel. 22980.

West Norfolk.—CRUSO & WILKIN, Chartered Auctioneers and Estate Agents, 27 Tuesday Market Place, King's Lynn. Tel. King's Lynn 3111/2.

NORTHAMPTONSHIRE

Northampton and Daventry.—MERRY, SONS & CO., LTD., Auctioneers, Valuers and Estate Agents, 9 Fish Street, Northampton. Tel. 136. 33 Sheaf Street, Daventry. Tel. 336.

Northampton and District.—WOODS & CO., F.A.I. Chartered Auctioneers and Estate Agents, Valuers, 18 Castilian Street, Northampton. Tel. 3300/1. Established 85 years.

Peterborough and District.—DAKING & DAKING, Est. 1887. Auctioneers, Valuers, Surveyors and Estate Agents, Broadway, Peterborough. Tel. 5245/6.

Peterborough and District.—FOX & VERGETTE, Auctioneers, Valuers, Surveyors and Estate Agents, 16 Priestgate. Tel. 4261/2. Est. over 150 years.

Peterborough and Adjoining Counties.—NORMAN WRIGHT & PARTNERS, Surveyors and Auctioneers, 26 Priestgate, Peterborough. Tel. 5695/6.

NORTHUMBERLAND

Newcastle upon Tyne, covering the North.—HINDMARSH, HEPPELL & BOURN (Est. 1862), Chartered Auctioneers and Estate Agents, Surveyors, 61 Westgate Road, Newcastle upon Tyne. And at Wallsend-on-Tyne.

(*Continued on p. xx*)

NORTHUMBERLAND AND DURHAM

HINDMARSH & PARTNERS, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 49 Park View, Whitley Bay (Tel. 2351/2), 107 Northumberland St., Newcastle (Tel. 610081 (4 lines)). And at Gateshead and Alnwick.

Newcastle.—DAVID A. LARMOUR & SON, F.R.I.C.S., F.A.I., Saville Row. Tel. Newcastle 20727/8.

WALLHEAD GRAY & COATES, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 84 Pilgrim Street, Newcastle. (Tel. 27471/2.) 75 West Street, Gateshead. (Tel. 72197.) 7 Priestpopple, Hexham. (Tel. 302.) 26 Frederick Street, Sunderland. (Tel. 2544.)

NOTTINGHAMSHIRE

Newark.—EDWARD BAILEY & SON, F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 7 Kirkgate, Newark. Tel. 39.

Nottingham.—ROBERT CLARKE & CO., Chartered Surveyors and Rating Valuers, Oxford Street. Tel. 42534/5.

Nottingham.—WALKER, WALTON & HANSON, Chartered Surveyors and Valuers, Chartered Auctioneers and Estate Agents, Byard Lane. Est. 1841. Tel. Nottingham 54272 (7 lines).

Retford.—HENRY SPENCER & SONS, Auctioneers, 20 The Square, Retford, Notts. Tel. 531/2. And at 4 Paradise Street, Sheffield. Tel. 25206. And 91 Bridge Street, Worksop. Tel. 2654.

OXFORDSHIRE

Bicester, Thame and Oxford.—E. P. MESSENGER & SON, Chartered Surveyors, Auctioneers, Valuers, etc. Thame 263/4; Bicester 10; and Oxford 47281.

Oxford and District.—BUCKELL & BALLARD. Est. 1887. R. B. Ballard, F.A.L.P.A., H. I. F. Ryan, F.R.I.C.S., F.A.I., H. S. Ballard, A.R.I.C.S., F.A.I., 58 Cornmarket Street, Oxford. Tel. 44151, and at Wallingford, Berks. Tel. 3205.

Oxford, Banbury and surrounding districts.—E. J. BROOKS & SON, F.A.I. (Established 1840), Chartered Auctioneers and Estate Agents, Surveyors and Valuers, "Gloucester House," Beaumont Street, Oxford. (Tel. 4535/6) and 54 Broad Street, Banbury (Tel. 2670).

Thame and District.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 60 North Street. Tel. 288.

SHROPSHIRE

Craven Arms.—JACKSON & McCARTNEY, Chartered Auctioneers, Valuers and Estate Agents. Tel. 2185.

Shrewsbury.—HALL, WATERIDGE & OWEN, LTD., Chartered Auctioneers, Valuers and Estate Agents. Tel. 2081.

Shrewsbury and South Shropshire.—DEAKIN & COTTERILL, 8 Wyle Cop, Shrewsbury, Auctioneers, Estate Agents and Valuers. Tel. 5306 and 2313. And at Church Stretton.

Wellington.—BARBER & SON, Auctioneers, Valuers, Surveyors and Estate Agents, 1 Church Street. Tel. 27 and 444 Wellington.

Whitchurch.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 16 Watergate Street, Whitchurch. Tel. 2962 and 2157.

SOMERSET

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department, New Bond Street Chambers, 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Bath and District.—Estate Agents, Auctioneers and Valuers, Valuations for Probate, Mortgage, etc. HALLETT & CO., 3 Wood Street, Queen Square, Bath. Tel. 3779 and 2118.

Bath and District.—JOLLY & SON, LTD. (Est. 1825.) Estate Agents and Valuers, Funeral Directors, Probate Valuers, Chattell Auction Rooms, Milsom Street, Bath. (Tel. 3201.)

Bath, Bristol and Districts.—LOUIS POWELL & CO., incorporated Auctioneers, Estate Agents and Valuers, 1 Princes Buildings, Bath. Tel. 2127.

Bath and South West.—CRISP'S ESTATE AGENCY (C. Cowley, F.V.I., Incorporated Surveyor and Valuer, J. L. Cowley, A.A.I., Chartered Auctioneer and Estate Agent) (Est. 1879). Abbey Chambers, York Street, Bath. Tel. 3606 and 61706.

Crewkerne.—25 miles radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 546.

Taunton and District.—C. R. MORRIS, SONS AND PEARD, Land Agents, Surveyors, Valuers, Auctioneers, 6a Hammet Street, Tel. 2546. North Curry, Tel. 319.

Weston-super-Mare.—LALONDE BROS. & PARHAM (Est. 1848), 33 Waterloo Street (Tel. 4500); and at Bristol.

Weston-super-Mare and District.—MASTERS & CO., F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 5 High Street. Tel. 6443/4.

Yeovil and District.—PALMER, SNELL & CO., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, Yeovil. Tel. 25 or 1796.

REGISTER OF

Auctioneers, Valuers, Surveyors, Land and Estate Agents

STAFFORDSHIRE

Stoke-on-Trent and North Staffs.—CHARLES BUTTERS & SONS, Established 1856. Chartered Auctioneers, Surveyors, Valuers and Estate Agents, Trinity Buildings, Hanley, Stoke-on-Trent. Tel. 21381/9. Also at Leek.

SUFFOLK

Bury St. Edmunds and East Anglia.—LACY SCOTT AND SONS, 3 Hatter Street, Bury St. Edmunds. Phone 43 and 692.

Ipswich and East Anglia.—SPURLINGS & HEMPSON (Est. 1780), Chartered Surveyors, Chartered Auctioneers 26 Princes Street, Ipswich. Tel. 51807/8.

Ipswich and East Anglia.—WOODCOCK & SON, 16 Arcade Street, Ipswich. Tel. 54352 (2 lines). Specialists in Selling Country Property and Farms. Established 1850.

Lowestoft and District.—GAGE & CO., 87/89 London Road South. Tel. 3158.

Woodbridge and East Suffolk.—ARNOTT & CALVER, Auctioneers and Valuers. Est. 1870. Tel. 179.

SURREY

Addiscombe, Shirley, Croydon.—MILLER, WILKINS AND CO., Auctioneers, Surveyors and Valuers, 191 Lower Addiscombe Road. Tel. ADDiscombe 2233/4; and 142 Wickham Road, Shirley. Tel. ADDiscombe 4021.

Camberley.—GIDDY & GIDDY, Estate House, London Road. Tel. 1919.

Camberley (Hants and Berks Borders).—SADLER AND BAKER, Chartered Auctioneers and Estate Agents, 95 High Street. Est. 1880. Tel. 4331 (3 lines).

Caterham and District, Sanderstead to Purley.—J. C. O'BRIEN, Station Avenue, Caterham. Tel. 4255 and 348. Limpsfield Road, Sanderstead. Tel. 4426.

Cobham.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 47. Offices throughout West Surrey.

Coulsdon.—SINDEN, TOMKINS & KING, F.A.L.P.A., Valuers, Surveyors and Estate Agents, 26 Chipstead Valley Road. Tel. UPLANDS 0600.

Croydon.—BLAKE, SON & WILLIAMS. Est. 1798. Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 51 High Street, Croydon. CROydon 7155/6.

Croydon, Addiscombe and Wallington.—BOWDITCH & GRANT. (Est. 1881.) Surveyors, Valuers, Auctioneers, 103/105 George Street, Croydon. Tel. CRO 0138/9.

Croydon and District.—JOHN P. DICKINS & SONS, Surveyors, Valuers and Estate Agents. Est. 1882. 2 and 4 George Street, Croydon. CROydon 3128/29/20.

Croydon and London.—HAROLD WILLIAMS AND PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, 80 High Street, Croydon. Tel. Croydon 1931. And at Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288.

Croydon and Sutton.—SAINT, SYMINGTON AND STEDMAN, Surveyors, Auctioneers and Valuers, 106 High Street, Croydon. Tel. CRO 2216/7. And at 6 Cheam Road, Sutton. Tel. VIG 7616/7.

Dorking.—ARNOLD & SON, Auctioneers & Surveyors, 171 High Street and branches. Est. 1855. Tel. 2201/2.

Dorking.—WHITE & SONS, 104 High Street. Agricultural and General Surveyors and Valuers. Tel. 3255.

Dorking.—PEARSON, COLE & SHORLAND, Surveyors, Valuers and Auctioneers. 279 High Street, Dorking. Tel. 3897/8. And at Reigate.

Dorking, Bookham and Effingham.—CUBITT AND WEST. Tel. Dorking 2212, Bookham 2744. Valuers, Surveyors, Estate Agents.

Dorking and Reigate.—A. R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 258/260 High Street, Dorking. Tel. 4071/2. 6 Church Street, Reigate. Tel. 4422/3. And at Leatherhead and Epsom.

Epsom and Leatherhead.—A.R. & J. GASCOIGNE-PEES, F.A.L.P.A., Auctioneers, Estate Agents and Surveyors, 21 High Street, Epsom. Tel. 4045/6. 4 Bridge Street, Leatherhead. Tel. 4133/4. And at Reigate and Dorking.

Esher.—EWBANK & CO., in association with Mann & Co. Est. 1891. Tel. 3537/8. Offices throughout West Surrey.

Esher.—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street. Tel. Esher 3551/2.

Ewell, Epsom, Leatherhead and adjoining areas.—DOUGLAS, F.A.L.P.A., 10 High Street, Epsom. Tel. 2362/4. (Four other offices.)

Ewell.—WILTSHIRES, Estate Agents, Surveyors, Auctioneers and Valuers, 55 High Street. Tel. Ewell 1665/6.

Farnham.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 4 Castle Street. Tel. 5742 (2 lines).

Farnham.—CUBITT & WEST. Tel. Farnham 5261. Valuers, Surveyors, Estate Agents.

Farnham.—EGGAR & CO., incorporating Curtis & Watson, Surveyors, Auctioneers, Land & Estate Agents, 74 Castle Street. Tel. 6221/3. And at Alton and Basingstoke, Hants.

SURREY (*continued*)

Farnham.—GERMAN, ADDY & CO. (Est. 1903). Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 111 West Street. Tel. 5283/4.

Farnham.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 32 South Street (Tel. 6277).

Godalming.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, Estate Offices. Tel. 1722 (5 lines).

Guildford.—MANN & CO., Est. 1891, 22 Epsom Road, Tel. 62911/2. Offices throughout West Surrey.

Guildford.—MESSENGER, MORGAN & MAY, Chartered Surveyors, 8 Quarry Street. Tel. 2992/4.

Guildford.—WHITEHEAD & WHITEHEAD, amal. HEWETT & LEE, 144 High Street. (Tel. 2811/2.)

Haslemere.—H. B. BAVERSTOCK & SON, Chartered Auctioneers and Estate Agents, 20 High Street. Tel. 1207.

Haslemere and Hindhead.—CUBITT & WEST. Tel. Haslemere 2345/6/7. Hindhead 63. Valuers, Surveyors, Estate Agents.

Kingston.—A. G. BONSOR, STEVENS & CO., Est. 1899, 82 Eden Street. Tel. KIN 0022.

Kingston.—NIGHTINGALE, PAGE & BENNETT, Est. 1825, Chartered Surveyors, 18 Eden Street. Tel. KIN 3356.

Kingston upon Thames and Area.—BENTALLS ESTATE OFFICES (L. J. Smith, F.A.L.P.A., P. F. Parkinson, B.Sc., A.A.L.P.A.), Wood St. KIN 1001. Sales, surveys, property and chattel valuations, lettings, management.

Leatherhead, Ashtead, Oxshott.—Chas. OSENTON AND CO., Chartered Auctioneers, 36 North Street, Leatherhead. (Tel. 3001/2); Ashtead 2382, Oxshott 3344.

Mitcham.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, Upper Green. Tel. MITcham 6101/2.

Oxshott.—W. J. BELL & SON, Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 51 High Street, Esher. Tel. Esher 4331 (2 lines).

Redhill and Merstham.—E. H. BENNETT & PARTNERS, Auctioneers and Valuers. Tel. Redhill 3672. Merstham 2234/5.

Reigate.—MARTEN & CARNABY, Surveyors, Auctioneers and Valuers, 23 Church Street. Tel. 3361/2.

Reigate.—PEARSON, COLE & SHORLAND, Surveyors, Valuers and Auctioneers. 4 Bell Street, Reigate. Tel. 4371/2. And at Dorking.

Richmond.—ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 27 Kew Road (Opposite Richmond Station). Tel. RIC 4811/2.

Richmond.—PENNINGTONS, 23 The Quadrant, Auctions, Valuations, Surveys. Rents collected. Tel. RIC 2255 (3 lines).

Surbiton.—E. W. WALLAKER & CO., F.A.L.P.A., Surveyors, Valuers, Auctioneers and Estate Agents, 56/7 Victoria Road, Surbiton, Surrey. Tel. Elmbridge 5381/4, and at Chessington, Surrey, Shoreham-by-Sea and Lancing, Sussex. (Chartered Surveyor D. J. Peachey, F.R.I.C.S.)

Sutton.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 269 High Street. Tel. VIG 0026/7/8. And at Thornton Heath, Norbury and Piccadilly, W.1.

Sutton.—IDRIS JONES & PARTNERS, F.R.I.C.S., F.A.I., 22 The Arcade, Sutton. VIGilant 0182; and at 30 Abbey House, Westminster.

Thornton Heath.—LEONARD DAVEY & HART, Chartered Surveyors, Auctioneers, Valuers and Estate Agents, 781 London Road. Tel. THO 6211/2.

Thornton Heath.—DOUGLAS GRAHAM & CO., Estate Agents and Property Managers, 908 London Road. Tel. THO 3888 (4 lines). And at Norbury, Sutton and Piccadilly, W.1.

Virginia Water and Wentworth.—GOSLING AND MILNER, Station Approach, Virginia Water. Tel. Wentworth 2277. And at 8 Lower Grosvenor Place, S.W.1. Tel. Victoria 3634.

Wallington.—WILLIAM A. DAVIS & PARTNERS, 4 Stanley Park Road. Tel. Wallington 2567.

Walton.—MANN & CO., Est. 1891, 38 High Street. Tel. 2331/2. Offices throughout West Surrey.

Walton and Weybridge.—HIGBY & CHARD (Consultants: George Geen, M.A., F.R.I.C.S., V. C. Lawrence, F.R.I.C.S.), 45 High Street, Walton-on-Thames. Tel. 20487/8.

Walton/Weybridge.—WARING & CO., Est. 1890. Surveyors, Estate Agents, Auctioneers and Valuers. Tel. Walton-on-Thames 24151/2.

West Byfleet.—MANN & CO., incorporating Ewbank and Co., Est. 1891. Tel. 3288/9. Offices throughout West Surrey.

Weybridge.—EWBANK & CO., in association with Mann and Co. Est. 1891. Tel. 2323/5. Offices throughout West Surrey.

Weybridge and District.—J. E. PURDIE & SON, Chartered Surveyors and Estate Agents, 1 and 3 Queens Road, Weybridge. Tel. 3307 (3 lines), and at Walton-on-Thames.

Weybridge and District.—WATERER & SONS, Chartered Auctioneers and Estate Agents, Surveyors, etc. Tel. 3838/9.

Woking.—HOAR & SANDERSON, 5 Church Path. Tel. 3263/4. Eleven associated Surrey offices.

SURREY (*continued*)

Woking.—MANN & CO., Est. 1891, Chartered Surveyor. Tel. 3800 (6 lines). Offices throughout West Surrey.

Woking.—HOLDRAM, CLARKE & EDGLEY, Chartered Surveyors. Tel. 3419; and at Guildford.

SUSSEX

Angmering-on-Sea, Rustington, Worthing and Storrington.—BERNARD TUCKER & SON. Est. 1890. L. B. Tucker, F.R.I.C.S., F.A.I., G. H. E. Evans, F.A.L.P.A., W. J. Brown, F.A.I. Tels. Rustington 1, Worthing 5708/9, Storrington 2535.

Arundel and Rustington.—HEASMAN & PARTNERS. Tel. Arundel 2323, Rustington 900.

Bexhill-on-Sea.—JOHN BRAY & SONS (Est. 1864), Estate Agents, Auctioneers and Valuers, 1 Devonshire Square. Tel. 14.

Bexhill-on-Sea and Little Common.—RICHES & GRAY (Est. 1883), Chartered Auctioneers and Estate Agents, 25 Sea Road, Bexhill-on-Sea. Tel. 34/5. And at 25 Cooden Sea Road, Little Common. Tel. Cooden 2939.

Brighton.—RAYMOND BEAUMONT, F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 35 East Street. Tel. Brighton 20163.

Brighton.—MELLOR & MELLOR, Chartered Auctioneers and Estate Agents, 110 St. James's Street. Tel. 682910.

Brighton and Worthing.—H. D. S. STILES & CO., F.R.I.C.S., F.A.I. (special rating diploma), 6 Pavilion Buildings. Tel. Brighton 23244 (4 lines). 10 King's Bench Walk, Temple, E.C.4. Tel. Central 5356. 3 The Steyne, Worthing. Tel. Worthing 9192/3.

Brighton.—FRANK STONE & PARTNERS, F.A.L.P.A., 84 Queen's Road. Tel. Brighton 29252/3.

Brighton and Hove.—WILLIAM WILLETT, LTD., Auctioneers and Estate Agents, 52 Church Road, Hove. Tel. Hove 34055. London Office, Sloane Square, S.W.1. Tel. Sloane 8141.

Brighton, Hove and Surrounding Districts.—MAURICE P. HATCHWELL, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agents, 4 Bartholomews, Brighton, 1. Tel. Brighton 23107.

Brighton, Hove and Surrounding Districts.—C. HORTON LEDGER, F.A.I., Established 1885 Chartered Auctioneer and Estate Agent, Surveyor and Valuer, "Sussex House," 126/7 Western Road, Hove, Tel. Sussex 1291.

Chichester and Bognor Regis.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, South Street, Chichester. Tel. 3031 (5 lines). Station Road, Bognor Regis. Tel. 2237/8.

Crawley.—WM. WOOD, SON & GARDNER, Estate Agents, Surveyors and Valuers. Tel. Crawley 1.

Crowborough.—DONALD BEALE & CO., Auctioneers, Surveyors and Valuers. The Broadway. Tel. Crowborough 3333.

Eastbourne.—FRANK H. BUDD, LTD., Auctioneers, Surveyors, Valuers, 1 Bolton Road. Tel. 1860.

Eastbourne.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 12 Gildredge Road. Tel. Eastbourne, 1285.

Eastbourne.—HEFFORD & HOLMES, F.A.I., Chartered Auctioneers and Estate Agents, 51 Gildredge Road. Tel. Eastbourne 7840.

Eastbourne.—OAKDEN & CO., Estate Agents, Auctioneers and Valuers, 24 Cornfield Road. Est. 1897. Tel. 1234/5.

Eastbourne and District.—FARNHAM & CO., Auctioneers, Estate Agents and Valuers, 6 & 44 Terminus Road, Eastbourne. Tel. 4433/4/5. Branch at 73 Eastbourne Road, Lower Willingdon, and 4 Grand Parade, Polegate.

East Grinstead.—Messrs. P. J. MAY (P. J. May and A. L. Apthorp, F.R.I.C.S., F.A.I., M.R.San.I.), 2 London Road. Tel. East Grinstead 315/6.

East Grinstead.—TURNER, RUDGE & TURNER, Chartered Surveyors. Tel. East Grinstead 700/1.

Hassocks and Mid-Sussex.—AYLING & STRUDWICK, Chartered Surveyors. Tel. Hassocks 882/3.

Hastings, St. Leonards and East Sussex.—DYER & OVERTON (H. B. Dyer, D.S.O., F.R.I.C.S., F.A.I.; F. R. Hynard, F.R.I.C.S.), Consultant Chartered Surveyors, Estd. 1892. 6-7 Havelock Road, Hastings. Tel. 5661 (3 lines).

Hastings, St. Leonards and East Sussex.—WEST (Godrey, F.R.I.C.S., F.A.I.) & HICKMAN, Surveyors and Valuers, 50 Havelock Road, Hastings. Tel. 6688/9.

Haywards Heath and District.—DAY & SONS, Auctioneers and Surveyors, 115 South Road. Tel. 1580. And at Brighton and Hove.

Haywards Heath and Mid-Sussex.—BRADLEY AND VAUGHAN, Chartered Auctioneers and Estate Agents. Tel. 91.

Horsham.—KING & CHASEMORE. Chartered Surveyors, Auctioneers, Valuers, Land and Estate Agents. Tel. Horsham 3355 (3 lines).

Horsham.—WELLER & CO., Surveyors, Auctioneers, Valuers, Estate Agents. Tel. Horsham 3311. And at Guildford, Cranleigh and Henfield.

Hove.—DAVID E. DOWLING, F.A.L.P.A., Auctioneer, Surveyor, Valuer & Estate Agent, 75 Church Road, Hove. Tel. Hove 37213 (3 lines).

Hove.—PARSONS, SON & BASLEY (W. R. De Silva, F.R.I.C.S., F.A.I.), 173 Church Road, Hove. Tel. 34564.

(*Continued on p. xxi*)

REGISTER OF

Auctioneers, Valuers, Surveyors, Land and Estate Agents

SUSSEX (*continued*)

Hove and District.—WHITLOCK & HEAPS, Incorporated Auctioneers, Estate Agents, Surveyors and Valuers, 65 Sackville Road. Tel. Hove 31822.
Hove, Portslade, Southwick.—DEACON & CO., 11 Station Road, Portslade. Tel. Hove 48440.
Lancing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.
Lewes and Mid-Sussex.—CLIFFORD DANN, B.Sc., F.R.I.C.S., F.A.I., Fitzroy House, Lewes. Tel. 4375. And at Ditchling, Hurstpierpoint and Uckfield.
Seaford.—W. G. F. SWAYNE, F.A.I., Chartered Auctioneer and Estate Agent, Surveyor and Valuer, 3 Clinton Place. Tel. 2144.
Storrington, Pulborough and Billingshurst.—WHITEHEAD & WHITEHEAD amal. with D. Ross & Son, The Square, Storrington (Tel. 40), Swan Corner, Pulborough (Tel. 232/3), High Street, Billingshurst (Tel. 391).
Sussex and Adjoining Counties.—JARVIS & CO., Haywards Heath. Tel. 700 (3 lines).
West Worthing and Goring-by-Sea.—GLOVER & CARTER, F.A.L.P.A., 110 George V Avenue, West Worthing. Tel. 0686/7. And at 6 Montague Place, Worthing. Tel. 6264/5.
Worthing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.
Worthing.—STREET & MAURICE, formerly EYDMANN, STREET & BRIDGE (Est. 1864), 14 Chapel Road. Tel. 4060.
Worthing.—HAWKER & CO., Chartered Surveyors, Chapel Road, Worthing. Tel. Worthing 1136 and 1137.
Worthing.—PATCHING & CO., Est. over a century. Tel. 5000. 5 Chapel Road.
Worthing.—JOHN D. SYMONDS & CO., Chartered Surveyors, Revenue Buildings, Chapel Road. Tel. Worthing 623/4.

WARWICKSHIRE

Birmingham and District.—SHAW, GILBERT & CO., F.A.I., "Newton Chambers," 43 Cannon Street, Birmingham, 2. Midland 4784 (4 lines).
Coventry.—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.

WARWICKSHIRE (*continued*)

Coventry.—CHAS. B. ODELL & CO. (Est. 1901), Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).
Leamington Spa and District.—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).
Sutton Coldfield.—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

WESTMORLAND

Kendal.—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.
Windermere.—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 680.

WILTSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department. New Bond Street Chambers. 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.
Marlborough Area (Wilts, Berks and Hants Borders).—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers. Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2. And at Ashby-de-la-Zouch, Burton-on-Trent and Derby.

WORCESTERSHIRE

Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.
Kidderminster, Droitwich, Worcester.—G. HERBERT BANKS, 28 Worcester Street, Kidderminster. Tels. 2911/2 and 4210. The Estate Office, Droitwich. Tels. 2084/5. 3 Shaw Street, Worcester. Tels. 27785/6.
Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & HEATON, 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Keighley.

YORKSHIRE (*continued*)

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I. Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).
Hull.—EXLEY & SON, F.A.L.P.A. (Incorporating Officer and Field), Valuers, Estate Agents, 70 George Street. Tel. 3399/2.
Leeds.—SPENCER, SON & GILPIN, Chartered Surveyors, 132 Albion Street, Leeds, 1. Tel. 30171.
Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.
Sheffield.—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street, Tel. 30429.
Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.
Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.
Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.
Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.
Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.
Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

Classified Advertisements

PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME
4s. per line as printed

APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings
15s. for 30 words. Additional lines 4s. Box Registration Fee 2s. extra

Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 6855

PUBLIC NOTICES

AMENDED ADVERTISEMENT

SOUTH WESTERN GAS BOARD

ASSISTANT SOLICITOR

Initial Salary within £1,365–£1,525

Applications are invited for the above post, with prospects of promotion to a suitable candidate. There are opportunities for wide and varied legal experience in the conveyancing, common law and commercial work of a large progressive industrial concern and the main qualities required are sound judgment, enthusiasm and energy.

Full personal particulars with education and experience and the names of two referees should be sent to the undersigned within fourteen days from this advertisement.

R. G. LAYCOCK,
Solicitor.

9A Quiet Street,
Bath.

NEW SCOTLAND YARD

PROSECUTING SOLICITORS on permanent staff of Solicitor's Department. Age 24–40. Starting salary £1,150 at age 24 to £1,703 at age 35 (or over). Scale maximum £1,937. Non-contributory pension. Good prospects of promotion. No previous experience required of criminal prosecutions. Particulars from Secretary, Room 165 (LA), New Scotland Yard, S.W.1.

BOROUGH OF ROYAL LEAMINGTON SPA

APPOINTMENT OF LAW CLERK

Commencing salary within Grade A.P.T. I (£645–£815). Some experience in conveyancing and general legal work required and there is prospect of articles in due course. Housing accommodation is offered and removal expenses will be paid.

Applications, stating age, present salary, education and experience, with names of two referees, should reach me by 21st October, 1961.

JAMES N. STOTHERT,
Town Clerk.

Town Hall,
Royal Leamington Spa.
October, 1961.

CITY OF HEREFORD

ASSISTANT SOLICITOR

Applications are invited for the post of Assistant Solicitor at a salary within the Grades A.P.T. III/IV. (£960–£1,310).

Previous local government experience not essential.

Application forms are obtainable from me, and should be returned to me by the 25th October, 1961.

Housing accommodation will be available to the successful applicant, if required.

Five-day week. Assistance with removal expenses.

J. A. WESTON,
Town Clerk.

Town Hall,
Hereford.
October, 1961.

OADBY URBAN DISTRICT COUNCIL

APPOINTMENT OF CLERK OF THE COUNCIL

Applications are invited for the above position from persons with sound local government administrative experience, preferably with a legal qualification (but not a condition) to commence duties on 2nd April, 1962. The Scale and Conditions of the Joint Negotiating Committee for Town Clerks and District Council Clerks applicable to the population range 10,000 to 15,000 will apply, the commencing salary within such Grade will be dependant upon experience and qualifications of the successful applicant. Car Allowance on a Casual User basis, and assistance given towards removal expenses.

The appointment will be subject to (*a*) Local Government Superannuation Acts (*b*) passing medical examination and (*c*) three months' notice on each side.

Oadby is a pleasant, mainly residential area and developing rapidly.

Applications stating age, qualifications, experience and appointments held, and giving the names of three referees, should be forwarded to the undersigned to reach him not later than the 31st October, 1961.

Canvassing, either directly or indirectly, will disqualify. Relationship to any member or officer of the Council should be disclosed.

D. EVAN DAVIES,
Clerk of the Council.

Municipal Offices,
Oadby,
Leicester.
October, 1961.

BOROUGH OF SUTTON COLDFIELD

APPOINTMENT OF SOLICITOR

Applications are invited for the appointment of a second solicitor at a salary within A.P.T. Grade IV–V (£1,140 to £1,480) according to experience.

Local government experience desirable but not essential. Housing accommodation may be provided for the successful applicant.

Applications, stating age, experience and qualifications, and the names of two referees must be received by me not later than 20th October, 1961.

J. P. HOLDEN,
Town Clerk.

Council House,
Sutton Coldfield,
Warwickshire.

BOROUGH OF BRENTFORD AND CHISWICK

CONVEYANCING ASSISTANT

Applications invited from unadmitted Conveyancing Clerks for this post on salary range £1,005 to £1,355 per annum, commencing according to age and experience.

Provision of housing accommodation will be considered.

Write full details to undersigned.

W. F. J. CHURCH,
Town Clerk.

Town Hall,
Chiswick, W.4.

URBAN DISTRICT COUNCIL OF URMSTON

APPOINTMENT OF (UNADMITTED) LEGAL ASSISTANT

Applications are invited for the above appointment from persons with knowledge of conveyancing practice. Local government experience not essential.

Salary within A.P.T. II/III (£815/£1,140); entry point according to experience but not exceeding £935 per annum.

Housing accommodation will be made available and a proportion of removal expenses paid.

Applications, stating age, qualifications, experience and the names and addresses of two referees must be received by me on or before the 23rd October, 1961.

L. WATKINS,
Clerk of the Council.

Council Offices,
Crofts Bank Road,
Urmston,
Near Manchester.

APPOINTMENTS VACANT

WATFORD.—Old-established firm require admitted or unadmitted assistant, mainly conveyancing. Salary according to age and experience.—Box 8043, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOMERSET Solicitors urgently require "all-round" Solicitor (mainly Conveyancing) prepared to assist active Advocate who needs capable support in flourishing Branch Office. Good prospects after suitable trial period.—Please write Box 8111, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

Central Electricity Generating Board

JUNIOR LEGAL ASSISTANT

Young unadmitted man required in the Conveyancing Section of the Solicitors Department at Headquarters, London, W.1.

Applicants must have had experience in a Solicitors Office and be capable of carrying out general conveyancing work under supervision.

● ***Salary within the scale £935-£1,060 per annum.***

Applications stating age, qualifications, experience, present position and salary to the Appointments Officer, 24–30 Holborn, London, E.C.1, by 23rd October. Quote "Ref. S.J./460."

continued on p. xxiii

Classified Advertisements

continued from p. xxii

APPOINTMENTS VACANT—*continued*

EXPERIENCED Outdoor Clerk required, Bayswater solicitors, very general practice, good salary and prospects to suitable applicant. Full details in writing.—Box 8081, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CHELTENHAM.—Partnership offered to an experienced solicitor, public school, after trial period as assistant solicitor, in busy old-established general practice; initial share £2,000 or more for right man; capital not essential; must be willing to undertake simple advocacy; state age, qualifications and previous experience.—Box 8109, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

A SOLICITOR with some experience since admission is required as an Assistant in the Legal Department of an Industrial Company in Central London. Commencing salary according to age and experience. There are Pension and Life Assurance Schemes. Please give details of education, age and experience.—Applications should be addressed to Box 8110, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SECRETARY/SHORTHAND TYPIST required. This post involves interesting and varied work in Estates Dept. Previous experience in Property office would be useful. The working conditions in new offices are pleasant and the post should prove both congenial and progressive.—Please write with details of age and experience to Miss M. Banks, PHILIPS ELECTRICAL, LTD., Century House, Shaftesbury Avenue, W.C.2, quoting ref. 812.

CONVEYANCING Clerk (unadmitted) required by Leicester firm. Probate experience an advantage.—Write with details of age and experience to Box 8112, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR required for busy West Country practice. Salary £1,500 with prospects of partnership.—Box 8113, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

NEWCASTLE UPON TYNE Solicitors require Assistant Solicitor. Salary according to age and experience.—Write particulars to Box 8116, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST SUSSEX.—Assistant Solicitor required to take charge of Litigation Department. Possibility of partnership later. Salary according to experience but not less than £1,250.—Box 8114, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE clerk (unadmitted) required by West Riding Solicitors. Non-contributory pension available.—Write stating experience, age and salary required to Box 8115, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR.—Sole practitioner (42) in old-established practice desires services of Assistant willing to prove by conscientious work suitability as prospective partner within a reasonable period; initial share to suitable person without capital outlay; good salary in meantime; population of this small market town expected to double within next few years; full details please.—Box 8119, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR required for Croydon Office of City firm. Good general experience. Excellent prospects. Salary £1,500 p.a. or according to experience.—Box 8117, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OLD-ESTABLISHED Westminster firm require litigation clerk with knowledge of probate; good salary according to experience; pension scheme; luncheon vouchers; good offices; 3 weeks' annual holiday.—Box 8118, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BARRISTER/SOLICITOR (MALE)

A public company situated in Knightsbridge has a vacancy for a legal assistant.

Essential requirements: At least two years' commercial experience in England since call or admission.

Residence in London Area.

Desiderata: Practical knowledge of commercial law, credit control and debt collection.

Preferred Age: 27/32.

Salary: By arrangement.

Applications with full details, in confidence, to Box G 424, c/o Streets, 110 Old Broad Street, E.C.2.

CONVEYANCING Assistant required; qualified or unqualified; newly admitted Solicitor would be considered; good salary for right man; pension scheme available; five-day week.—Apply in writing to Staff Partner, Messrs. Slater, Heelis & Co., 71 Princess Street, Manchester, 2.

KENT Coast Resort. Young Solicitor/Advocate required to take charge of common law work in old established family practice. Modern offices and congenial working conditions. Salary by arrangement but would consider up to £1,500 with view to partnership after trial period.—Box 8120, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST END Solicitors require Conveyancing Managing Clerk, capable of working without supervision. Salary by arrangement—excellent one to right applicant. No Saturdays.—Write Box 384, Reynell's, 44 Chancery Lane, London, W.C.2.

SECOND LEGAL ASSISTANT

Applications are invited for the above appointment in the Office of the Clerk to a City Livery Company. Conveyancing experience essential. Age 27–35. Salary £900/£1,150 per annum depending on experience. Non-contributory pension scheme.—Box 8123, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BATH.—Common Law Managing Clerk required for permanent appointment. Must be fully experienced and able to take full control of busy department under Principal.—Box 8124, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required Portsmouth firm, mainly advocacy and litigation. Good salary and prospects for right man.—Box 8130, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST END Solicitors required admitted Litigation Manager able to work without supervision and willing to undertake occasional advocacy. Minimum salary £1,250 per annum. Good prospects.—Box 8125, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING or Conveyancing and General Assistant, admitted or unadmitted, for Chester general practice; good salary for right applicant. Self-contained flat available. State age, experience and salary required.—Box 8126, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITORS require admitted or unadmitted Conveyancing Clerk able to work with slight supervision. Pension scheme. Assistance given with accommodation if required. Salary according to experience. Apply giving particulars of experience.—Robert Barber & Sons, 19 Castle Gate, Nottingham.

ASSISTANT Solicitor for medium-sized practice, East Herts, to assist mainly with common law but some conveyancing. Liberal salary according to qualifications and experience. Free house if required. Experienced, energetic, unadmitted assistant would be considered.—Box 8086, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Clerk required by Harrow Solicitors. Salary according to age and experience. Junior would be considered if desirous of making quick advancement. Excellent prospects. Pension Scheme. Write stating age, experience and salary required.—Box 8087, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE assistant required (male or female) with immediate opportunity to gain experience and advancement. Own office, typewriter and some secretarial assistance. Salary by arrangement. South-east London.—Box 8089, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CAPABLE young Solicitor required by English firm in delightful part of Wales. Commencing salary £1,000 per annum.—Box 8091, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LEADING City firm want qualified or unqualified assistant with not less than five years' experience in company and commercial work; salary £2,000 to £3,000 per annum according to age, experience and qualifications.—Box 8101, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CASHIER/Accounts Clerk required by Holborn firm; active practice; good salary; five-day week.—Box 8102, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SURREY.—12 miles South of London; medium-sized general practice with steadily increasing volume of matrimonial and litigious work requires clerk able to conduct such matters with little supervision, and preferably with some experience of conveyancing or probate. Write detailing experience and salary required.—Box 8105, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CITY Solicitors require admitted or unadmitted Conveyancing Clerk. Write stating full particulars.—Box C 331, c/o Walter Judd, Ltd., 47 Gresham Street, E.C.2.

continued on p. xxiv

Classified Advertisements

continued from p. xxiii

APPOINTMENTS VACANT—*continued*

OLD-ESTABLISHED firm of London solicitors, City area, require conveyancing clerk, slight supervision; five-day week; luncheon vouchers; good salary for the right person.—Box 8106, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

OLD-ESTABLISHED firm of London solicitors, City area, require managing clerk for probate and trust department, able to work without supervision; salary according to ability; commencing 1st January, 1962.—Box 8107, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

HARROW Solicitors urgently require Managing Clerk or qualified Assistant. Mainly Conveyancing but some litigation experience essential. Please write stating full details of age, experience and salary required.—Box 8069, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

COMMON Law Clerk (unadmitted) required by Solicitors in London.—Write giving details of experience, age and salary to Box 8074, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

READING Solicitors require (*a*) Young Assistant Solicitor. Some prospects of future partnership. (*b*) Conveyancing Clerk. (*c*) Litigation Clerk. (*d*) Articled Clerk. No premium. Salary. State experience and salary required.—Box 7970, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BRISTOL solicitors require experienced conveyancing managing clerk used to undertaking substantial transactions; salary by arrangement according to experience; pension scheme available.—Box 7942, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

APPOINTMENTS WANTED

SOUTH, London, Home Counties. Will Solicitors needing assistance consider former member of profession thereby helping him rehabilitate himself. Particular experience Common Law and litigation. Salary matter arrangement in view circumstances.—Box 8121, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CIVIL Servant, 40, single, wishes resume employment as probate clerk; not admitted. Area preferred is Sussex within travelling distance of Hastings, but would consider other areas if not too far outside that stated.—Box 8122, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR, admitted 1922, hons., prizes, having considerable experience probate, conveyancing and general (not litigation) available appointment London. Can undertake managerial functions without supervision and deal directly with clients. Normal partnership not required but similar status and not Assistant Solicitor requested owing to long experience and achievements in management and administration.—Box 8127, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SENIOR Cashier/Accounts Manager, 15 years' experience, age 40, seeks post in West Surrey/Hants border or West London. Busy practice preferred.—Box 8129, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

TRAINED Dictaphone/Typist seeks position in professional office Streatham or surrounding neighbourhood.—Write Box 398, Reynell's, 44 Chancery Lane, W.C.2.

PREMISES, OFFICES, ETC.

LONDON, W.1.—New office building nearing completion. 6,000 sq. ft. plus storage and garage. Lift. C.H. 21 year lease. £11,000 p.a.—Apply Howard de Walden Estates, Ltd., 23 Queen Anne Street, W.1.

MANCHESTER, 1.—Excellent Ground Floor Office Accommodation; 3 Private and Large General/Reception Office; total area 1,060 sq. ft.—Apply A. H. Kelly, 28 Oxford Street, Manchester, 1. CEN. 0718.

ENTIRE modern office building approx. 6,600 sq. ft. to be let in Marylebone. Rent 32s. 6d. per square foot. No premium. —Details from Lane, Saville & Co., 10 Carlos Place, W.1. Tel.: MAY 7061.

MORTGAGES

PLAY SAFE—PUT IT IN THE HANDS OF
PETER G. HIRSCH & CO., LTD.
8 BRUNSWICK PLACE, HOVE
Tel.: 71398/9
Sussex Leading Mortgage Brokers
MORTGAGE ADVANCES AND BUILDING FINANCE UP TO 100 PER CENT.
BRIDGING FINANCE
HOUSE PURCHASE FROM 5½ PER CENT.
Second Mortgages Any amount

MORTGAGE FUNDS REQUIRED

MORTGAGES required for our applicants. Sums of £1,000/£10,000 on owner-occupied houses. Also larger amounts on investment property, viz.: blocks of shops, houses, factories, etc. Two-thirds value required at 7½%. Full scale legal and survey charges paid. Occasionally other applicants require second mortgages at 10%. £200/£1,000 where there is ample equity. Write fully.—Welsford, Morgan & Co. (Mortgage Brokers since 1908), 986 London Road, Thornton Heath, Surrey, or Tel.: THO 2135.

£5,000 loan required on first mortgage on freehold shop. Ample margin. At least one year's security required.—Box 8128, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MORTGAGE FUNDS

WE offer a specialised service re mortgage advances on Shop Properties, Factories and Houses over £10,000. Sums also available for Building and Industrial development.—MILLER SMITH AND PARTNERS, 139 Park Lane, W.1. Tel.: MAYfair 7081–4.

MORTGAGES
available
FOR PERIODS UP TO
FIVE YEARS
MORTIMER FINANCE
93 Mortimer Street, W.1
MUSeum 0709 AND 0700

PROPERTY INVESTMENTS

INVESTMENTS REQUIRED

ACTIVE enquiries in hand for good-class shop investments, blocks of flats, freehold ground rents and weekly investments of all types.—Details in confidence to Cowdrey, Phipps & Hollis, F.A.L.P.A., Investment Department, 140 Park Lane, Marble Arch, W.1. MAYfair 1329 (2 lines).

BUILDING LAND WANTED

LAND WANTED for housing. Home Counties. 2/50 acres. Agents retained and reinstructed. Planning applications and appeals undertaken.—TRUE BOND HOMES, LTD., 342 Richmond Road, East Twickenham. (POP 6231).

VALUATIONS

TRADE VALUATIONS
STOCKS & FIXTURES
SALE OR PROBATE
Extensive staff of expert valuers available at short notice
ALL MAIN DISTRIBUTIVE TRADES
ORRIDGE & CO.
184 STRAND, LONDON, W.C.2
Telephone: TEMple Bar 9212/3 and 6340
Branch offices in Lancashire, Yorkshire, Hampshire, Glamorgan and Warwickshire
Members of leading professional bodies
VALUERS SINCE 1846

VALUATIONS of general chattels, antiques, etc., for Probate, Insurance, and all purposes. Sales arranged if required. Prompt attendance, any distance.—J. Nutter, Old Manor Farmhouse, Wendover, Bucks. (Tel.: 3362).

REVERSIONS, LIFE POLICIES, ANNUITIES and UNQUOTED SHARES.—H. E. Foster and Cranfield, 6 Poultry, E.C.2, specialise in the valuation of these interests for probate purposes. Established 1843.

ANTIQUE AND MODERN FURNITURE, Silver, Porcelain, Pictures, Books and all descriptions of Chattel Property VALUED FOR PROBATE, INSURANCE OR FAMILY DIVISION, or, if desired, included in specialised auction sales. Sales also arranged by tender or private treaty.—Phillips, Son & Neale, 7 Blenheim Street, New Bond Street, W.1. Telephone No.: MAYfair 2424. Est. 1796.

TYPING, ETC.

RITA MOORE undertakes Tape Transcriptions, Law Writing, Translations, Duplicating, Photocopying, Secretarial Services. Work carried out promptly and efficiently. 20 Tooks Court, Cursitor Street, E.C.4. CHAncery 5508.

RUTH ATLASZ Secretarial Service. Experienced Shorthand and Dictaphone Typists available at short notice for temporary work.—Telephone: MUSeum 9615.

continued on p. xxv

Classified Advertisements

continued from p. xxiv

TYPING, ETC.—*continued*

LEGAL TYPING including STENORETTE, PHILIPS and ALL TAPE TRANSCRIPTIONS, Copying, Engrossing, Abstracting. DUPLICATING pro forma letters, drafts, etc. COMPLETIONS attended.—RUSHGROVE AGENCY, 563 Watford Way, London, N.W.7. MILl Hill 7242.

DRAFTS and Engrossments expertly typed, hand engrossing, plans drawn or copied, multiple copying by special process, photocopying; all expeditiously done in proper form and at moderate charges. On all copying problems, consult the Copying Departments of The Solicitors' Law Stationery Society, Ltd., Head Offices, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

FINANCIAL

A BARGAIN, £25 complete, brand new ready-made Co. Regns. Guaranteed no trading (England or Scotland); all trades available now, including Property Dealing; Mining/Quarrying; Garages; Electrical; Glass/China; Drapers; Packers; Plastics; H.P. Finance; Salvage; Banking, Nominees; Secretarial; Stocks/Shares; Property; Investments; Caravans, etc. (specially prepared for each trade). Write, phone or call (English Registrations) BUSINESS ECONOMY Co., Regns., Ltd. (Dept. 14); 156 Strand, London, W.C.2 (Tem. 8377/2294); Scottish Registrations to 19 Walker Street, Edinburgh, 3 (Cal. 1167/9). Read "Advantages of trading as a limited Company" (3/- post free). Ltd. Co. may save you personal tax. We also have seven days Co. Regn. service with your own choice of name £21 (plus stamp duty).

ABANDON DELAYS

READY MADE COMPANIES

(guaranteed "no trading")

£20 : 0 : 0 *inclusive*

(over 200 in stock)

By Return of Post to Country or delivery immediately in London.
Free draft on application.

LEWIS, COATES & LUCAS, LTD
LAW STATIONERS
6-9 Surrey Street, Strand, W.C.2
TEMple Bar 6927 (4 lines)

OLD-ESTABLISHED building firm with several projects maturing and currently purchasing substantial parcels of land with planning permission, seeks finance of £250,000 over a period of 3/5 years. An attractive rate of interest will be paid and a participation considered. Adequate security is available.—Write Box 8080, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BUSINESS OPPORTUNITIES

ADVERTISERS offer for sale portfolio ground rents. A.V. £2,600 or part. Commission to introducing agents.—Information, Box 8042, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BUSINESSES WANTED

OLD-ESTABLISHED firm of Estate Agents and Surveyors with three branches wish to expand their business by the acquisition of a further branch in Watford, Elstree, Harrow, Ruislip districts. Any principal contemplating sale of existing practice invited to forward details, which will be treated in the strictest confidence, to Mr. A. E. Parker, 20 The Close, London, N.14.

PROFESSIONAL ANNOUNCEMENTS

TRANSLATIONS.—V. Clayton, Market Rasen.

COSTS

THE COSTS DEPARTMENT
OF
The Solicitors' Law Stationery Society, Ltd.,
is available to the profession for the prompt preparation of all
BILLS OF COSTS
by expert draftsmen.
For full details apply The Manager, Costs Department, Oyez House, Breams Buildings, Fetter Lane, E.C.4.
(CHAncery 6855.)

PERSONAL

DAVIS OF PORT STREET, PICCADILLY, MANCHESTER, 1.—For fine furniture at manufacturers prices. Walk round our three large showrooms, which are open daily until 6 p.m. (Wednesday and Saturday included). We are stockists of all the latest designs of furniture, carpets, mattresses, divans. 10-year guarantee. Also all domestic electrical equipment, etc. Special concession and credit facilities to members of the legal profession. Write to us for whatever you want—we can supply. No other introduction required. Tel.: CEN 0638.

GARRINGTON & CO., LTD., will give best prices for items of Jewellery, Silver and Gold sent for offer, or our representative will call to estimate for larger quantities. Valuations for Probate, Insurance, etc. 130 Regent Street, London, W.1.—Tel.: REG. 3727.

GARRARD & CO., LTD., Crown Jewellers, offer the highest prices for jewellery, silver and gold articles. Offers, without obligation, will be sent for consignments received at 112 Regent Street, London, W.1. For larger quantities of silver, our buyers will visit you upon request.

INQUIRIES & PROCESS SERVING

PROCESS SERVING and Inquiry Work undertaken. Efficient service, moderate charges and Country-wide coverage.
LAW & COMMERCIAL ENQUIRIES, LTD. Chansitor House, 38 Chancery Lane, London, W.C.2. CHAncery 6059.

INFORMATION REQUIRED

AMOS ABBOTT, deceased

Will any Solicitor or other person having knowledge of a Will made by the above-named, late of 17 Water Lane, Newark, Notts., and previously of Ashfield, Suffolk, who died on 13th April, 1961, please communicate with Hodgkinson & Beevor, 3 Middlegate, Newark, Notts.

PRIVATE INQUIRIES

DIVORCE and general inquiries undertaken throughout London, Surrey, Middlesex by our own staff. Evictions and distress warrants executed. Certificated Bailiffs. Southern Provincial Investigations, 45 Brighton Road, Surbiton, Surrey (Elmbridge 1032/4).

BOOKS AND PERIODICALS

THE "CORDEX" SELF-BINDING CASE specially designed to contain issues of THE SOLICITORS' JOURNAL is now available price 14s., post free. Capacity 26 issues and index. Issues easily inserted or removed.—The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4

MISCELLANEOUS

OLD DEEDS.—Good prices given for old parchment deeds; any quantity accepted, large or small.—Please send full details to H. Band & Co., Ltd., Brent Way, High Street, Brentford, Middlesex.

HIGHEST PRICES PAID for Coins and Medals, especially collections and gold. Catalogue of English Coins, 9s. 3d. Specimen Bulletin, 1s.—B. A. Seaby, Ltd., 65 Great Portland Street, London, W.1.

NILS HELLNER. Attorney-at-Law, Hornsgaten, 40 Stockholm.—Law suit debt collections. Correspondence in English, French, German and Spanish.

THE LONDON SOLICITORS & FAMILIES ASSOCIATION

(formerly The Law Association. Instituted 1817.) Supported by Life and Annual Subscriptions and by Donations. This Association consists of Solicitors taking out London Certificates and of retired Solicitors who have practised under London Certificates and its objects are (amongst others): To grant relief to the Widows and Children of any deceased Member, or, if none, then to other relatives dependent on him for support. The Relief afforded last year amounted to £3,179. A minimum subscription of One Guinea per annum constitutes a Member and a payment of Ten Guineas Membership for life.

Applications to be made to the SECRETARY,
Miss K. Margaret Hugh-Jones, "Maesgwyn," Glaziers Lane, Normandy, Surrey. Tel. Normandy 2168.

EVIDENCE EXPLAINED AND ADVOCACY SELF-TAUGHT

EVIDENCE—pared of all unnecessary material

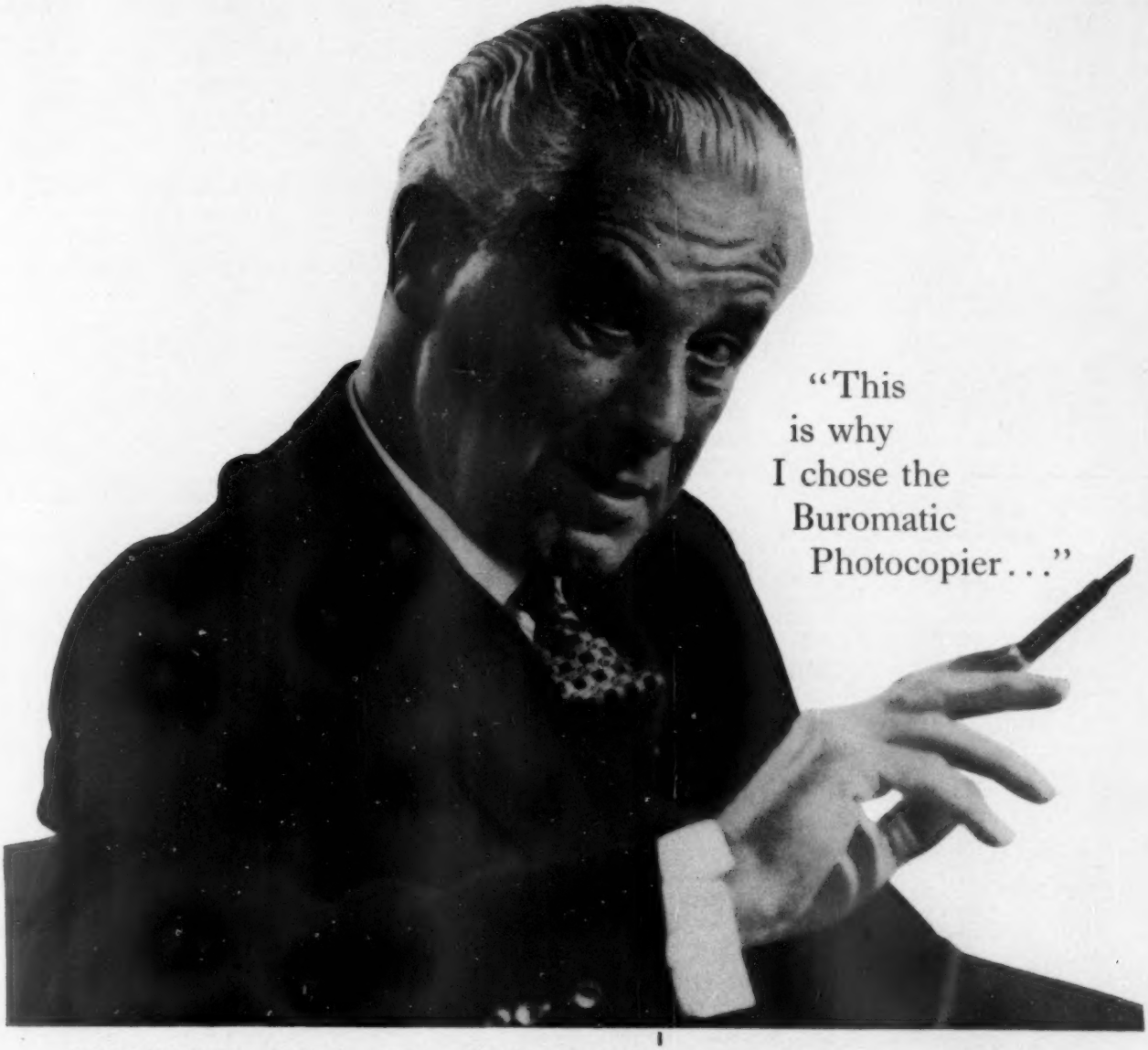
ADVOCACY—all the points, together with practical instruction

Law Booksellers, 6/6; or 7/- by post, dispatch by return, from CREST DISTRIBUTORS, (S.J.) 91 George St., Croydon

FINE JEWELS AND DIAMONDS

Purchased at Highest Prices
Valuations for Probate and Insurance

BENTLEY & CO.
65 New Bond Street, London, W.1 (Mayfair 0651)



. . . BECAUSE The Solicitors' Law Stationery Society had obviously gone to a lot of trouble to develop a machine suitable for legal offices.

They were the first people to use the new surface application system for direct positive photocopies, which gives me quick, ready-to-use copies. The Buromatic obviates negatives and gives me really cheap copies. It accurately copies anything up to 16″ x 13″, even extracts from bound books!

It is so simple to use that even my juniors produce perfect copies.

I GET COPIES FOR COPPERS!

Why not do what I did and write (or 'phone) today for a demonstration in your own office.

The Solicitors' Law Stationery Society, Limited
Oyez House Breams Buildings Fetter Lane London E C 4
CHAncery 6855
Branches at Birmingham Cardiff Glasgow Liverpool Manchester

AUCTIONEERS' ANNOUNCEMENTS

H.D.S. STILES & Co.
CHARTERED SURVEYORS
CHARTERED AUCTIONEERS & ESTATE AGENTS
10 KING'S BENCH WALK, TEMPLE, E.C.4
City 2946 and Central 5356
6 PAVILION BUILDINGS, BRIGHTON
Brighton 23244 (4 lines)
3 THE STEYNE, WORTHING
Worthing 9192/3

EST. 1881 TEL. Mon 1464, Syd 6601
EASTMAN BROTHERS
SURVEYORS and VALUERS
ESTATE AGENTS
Surveys and Valuations for all purposes
Plans and Specifications
Estate Management in all areas
HALIFAX HOUSE, 62/64 MOORGATE, E.C.2

(ESTABLISHED 1899)
E. A. SHAW & PARTNERS
(C. M. SPAGNOLETTI, F.A.I.
R. T. FITZSIMMONS, F.A.I.)
SURVEYORS AND VALUERS
19 & 20 Bow Street, Covent Garden, W.C.2
(Over Midland Bank)
Tel.: COVENT GARDEN 2255 (4 lines)

C. W. MAYNE
(Established 1872)
Chartered Surveyors and Valuers
GUY MAYNE, F.R.I.C.S.
218 EARL'S COURT ROAD,
LONDON, S.W.5
Telephone Frobisher 0026 (2 lines) Adjoining Station

Edward Talbot & Sons
AUCTIONEERS, VALUERS
AND ESTATE AGENTS
C. PARRY, F.A.I. (Principal)
15 CROSS STREET, MANCHESTER, 2
Telephone: Blackfriars 3114 and 6996

EST. 1813
DEBENHAM STORR
AND
JOHNSON DYMOND
LIMITED
–AUCTIONEERS AND VALUERS–
SPECIALISTS IN THE SALE OF ALL CLASSES OF PROPERTY
Sales held in two spacious Auction Rooms daily, one being reserved for jewellery, silver and plated ware, watches, etc.; the other for furniture, pictures, bronzes, works of art, carpets, guns, wine, furs, wearing apparel and personal effects
Valuations for Probate, Insurance and other matters
APPLY—
26 King Street, Garrick Street, London, W.C.2
Telephone: TEMple Bar 1181 & 1182
Telegrams: "Viewing" London

WARD, SAUNDERS & CO.
L. B. Saunders, F.A.I., F.C.I.A. W. J. Allin, F.A.L.P.A., F.V.I. W. J. Sims, F.A.I., F.V.I.
Auctioneers, Estate Agents, Surveyors and Valuers
SURVEYS, VALUATIONS, SALES, LETTINGS, MORTGAGES, REQUISITION CLAIMS, COMPULSORY PURCHASE, DILAPIDATIONS, ETC.
ESTATE MANAGEMENT SPECIALISTS
Bankers: Lloyds Bank Ltd. Barclays Bank Ltd.
The Estate Offices
298 and 299 Upper Street, London, N.1
Telephones: CANonbury 2487-2488-2489
Established over Half a Century

JOHN BRAY & SONS
ESTABLISHED 1864
AUCTIONEERS • VALUERS
ESTATE AND HOUSE AGENTS
1 Devonshire Place, Devonshire Road, Bexhill-on-Sea
Telephone: Bexhill 14 *Telegrams:* John Bray, Bexhill

WATERER & DICKINS
CHARTERED SURVEYORS, CHARTERED AUCTIONEERS & ESTATE AGENTS, VALUERS
133 HIGH STREET, BROMLEY, KENT
Telephone: RAVensbourne 0147/8

Established 1843
GEORGE LOVEITT & SONS
A. GREAVES, F.A.I. G. W. M. LOVEITT, A.R.I.C.S., F.A.I.
W. R. SPENCER, F.A.L.P.A. A. R. POMFRET, F.A.I.
Auctioneers, Surveyors, Valuers and Estate Agents
Management of Town and Country Properties
Inventories prepared Probate and Mortgage Valuations
Rating Appeals and Compensation Claims
29 Warwick Row, COVENTRY
Telegrams: "Presto" *Telephone:* 3081/2/3/4

JOS. RIMMER & SON
(Established 1860)
C. F. Reid, F.R.I.C.S., F.A.I. R. Hatton, F.R.I.C.S., F.A.I.
H. F. Sharman, F.R.I.C.S.
Chartered Surveyors, Auctioneers and Estate Agents
SALES BY AUCTION AND PRIVATE TREATY
Mortgages arranged, Properties carefully managed.
Valuations and Surveys, Compensation Claims negotiated. Rating Appeals
CORINTHIAN BUILDINGS
14/20 SOUTH CASTLE STREET
LIVERPOOL, 2
Tel.: MARitime 1066 (5 lines), *and at*
13 Hamilton Square, Birkenhead. *Tel.:* BIR 8931/2
110 Station Road, Ellesmere Port. *Tel.:* ELL 1251/2

ELLIS & SONS
Established 1877
Estate Agents, Valuers and Property Auctioneers
Partners:
I. S. ALLAN-SMITH, F.A.L.P.A.
GRAHAM E. ELLIS, F.A.I.
1 Princess St., Albert Square, Manchester, 2
Telephone: Blackfriars 4812 *Telegrams:* "Covenant"

BAXTER, PAYNE & LEPPER
Established over 200 years
Chartered Surveyors, Chartered Auctioneers and Estate Agents
FOR ALL CLASSES OF PROPERTY, SALES, VALUATIONS, ETC., IN NORTH-WEST KENT
19 East Street, Bromley. (RAVensbourne 2234)
2 Southend Road, Beckenham. (BECkenham 3461)
2 Station Approach, Orpington. (Orpington (MM) 22226)
Station Square, Petts Wood. (Orpington (MM) 20363)

T. B. WESTACOTT & SONS
Surveyors, Auctioneers,
Valuers and Estate Managers
74 Camden Rd., London, N.W.1
Telephone: GULLIVER 3331/2

Gerrard 5853-3963
SHAWS
(J. H. W. Shaw, F.A.L.P.A., M.R.San.I., P.P.C.I.A., F.V.I.)
ESTATE MANAGERS, SURVEYORS AND VALUERS
Estate House, 85 Shaftesbury Avenue, W.1
Also at
149/151 Dulwich Road, Herne Hill, S.E.24. BRIxton 7866/7

A. G. RICHARDSON & SON
CYRIL RICHARDSON, F.R.I.C.S.
CHARTERED SURVEYORS, LAND AGENTS, AUCTIONEERS AND VALUERS
86 HIGH STREET, STEVENAGE, HERTS.
Telephone: Stevenage 1323/4

COLE, HICKS AND CHILVERS
(Established over 80 years)
Auctioneers, Estate Agents and Surveyors
Helena Chambers, 42 Broadway, Ealing
Telephone: Ealing 4014/5/6

HOTELS AND RESTAURANTS
HAMMERSLEY KENNEDY & CO.
19 Hanover Square, London, W.1
Telephone: MAYfair 6857
have, since 1899, specialised in the sale and valuation of hotels and catering businesses to the exclusion of any other branch of estate agency. The partners are members of the leading professional bodies.

London and Home Counties
SPECIALISTS FOR 100 YEARS
VALUATIONS, SALES,
PROPERTY MANAGEMENT
Salter, Rex & Co.
311 KENTISH TOWN ROAD, N.W.5
GULliver 1085 (5 lines)
24/7 HIGH HOLBORN, W.C.1
HOLborn 4819

H. E. WINGFIELD & CO.

BUYERS OF
FINE STAMPS
STAMPS VALUED FOR PROBATE AND INSURANCE PURPOSES
Call, write or 'phone
Miss R. Titford or Mr. A. L. Michael at
392 STRAND, LONDON
(*OPPOSITE SAVOY HOTEL*)
Tel.: TEMple Bar 4136 W.C.2

SOCIETY FOR THE ASSISTANCE OF
LADIES IN REDUCED CIRCUMSTANCES
Founded by the late Miss Smallwood *Patron: Her Majesty the Queen*

This Society is entirely supported by Voluntary Contributions

In these anxious times this Society is carrying on its much-needed work of helping poor ladies, many elderly and some great invalids. All gifts of money gratefully received. If you cannot give a donation now

please remember this work in your Will

Will Lawyers kindly advise their clients to help this Society, making cheques payable to:—
Miss Smallwood's Society, Lancaster House, Malvern

Printed and published in Great Britain by THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Phone: Chancery 6855.
Agents—The United States and Canada: The Carswell Co., Ltd., 145-149 Adelaide Street West, Toronto, 1, Canada; Australia and New Zealand: The Law Book Co. of Australasia Pty., Ltd., 140 Phillip Street, Sydney, N.S.W.; India and Pakistan: N.M. Tripathi, Ltd., 164 Princess Street, Bombay.
Published Weekly, 1s. 9d. Friday, October 13, 1961 Registered at the G.P.O. as a newspaper